POLICY FOR REGULATION

OF

WATERSPORTS

IN GOA

GOVERNMENT OF GOA

DEPARTMENT OF TOURISM

Purushottam Bhagwan Building, Opp Hotel Nova Goa

Dr. Atmaram Borkar Road

Panaji Goa

Introduction

Goa is one of the world's most attractive tourist destinations and is endowed with scenic beauty, lush green surroundings, beautiful mountains, valleys, rivers and the most fascinating and enchanting sea, sand and sun. Both Domestic as well as overseas tourists flock to Goa for Fun, Pleasure and Adventure. Goa witnessed around 2.7 million Domestic Tourists and around half a million Foreign Tourists in the year 2011-12. All this calls for a Systematically Organised and a Regulated Tourism Industry The State of Goa is committed towards Responsible and Honourable Tourism with active support and cooperation from the stakeholders.

With the growth of tourism industry, day by day, tourism products offerings have also evolved and new advancements have emerged in the tourism industry to fulfil the ever increasing requirements, demands and the thirst of adventure seeking tourists. Tourism today is fun filled with adventure with the growth of tourism products like watersports in the State. Watersports include boat rides, river cruises, parasailing, winch parasailing, beach parasailing, kayaking, banana boat rides, speed boat rides, regal boat rides. water skiing, wake board, knee board, surfboard, paddle boat, river rafting. backwater boating, and many more activities which are primarily offered and managed by the private water sports operators.

With the increasing trend in Watersports activities, the challenges to have safe and regulated watersports activities have increased manifold in the absence of a comprehensive legislation in the State. The number of Watersports operators have increased considerably, proportionately increasing the risk and endangering the security and safety of tourists, due to the possible entry of unregulated, untrained and unscrupulous fly by night operators. Besides there is a lot of complexity in the entire process of operation of watersports activities. Unregulated and unauthenticated watersports operators are often seen charging exorbitant and unfair rates to the gullible tourists while openly bypassing the established safety standards thereby endangering the security and safety of tourists. Many a time, this has resulted in fatal accidents, loss of life and limb thereby adversely affecting the image of Goa as a safe tourism destination.

Background:

Watersports activities in the State of Goa were registered and operated as per the guidelines issued by the Government of Goa, in the year 2003, which aims at registering and regulating Boat Rides and Watersports Activities and running of such activities in accordance with the provisions of Law, as in force in the State of Goa until 2005.

The increase in the number of operators and the types of watersports activities led to an increased competition amongst the watersports operators, which further led the operators to resort to illegal and unfair means thereby causing nuisance to the watersports loving tourists. In order to curb this nuisance, The Government of Goa in the year 2005 approved "The Goa Tourist Places (Protection and Maintenance) (Boat rides/Parasailing and Watersports Activities) Rules 2005".

Even after coming in force the above rules in 2005, there were reports of many Watersports operators illegally functioning, in the State in the absence of a proper legislation and it was observed that they resorted to all possible illegal measures and unfair trade practices such as overcharging

the tourists, engaging of touts and endangering the safety of the tourists/ general public due to compromise on safety standards. The Government of Goa therefore felt it necessary to amend the existing Registration of Tourist Trades Act in order to register all the Watersports and Adventure Sports Operators. The Goa Registration of Tourist Trades Act, 1982 was therefore amended accordingly, in the year 2011. Watersports and Adventure Sports operators are now being registered under Section 19A to 19D of The Goa Registration of Tourist Trades (Amendment) Act, 2011.As on date there are 602, water sports operators and 17 cruise boats/ vessels, which are registered with the Department of Tourism.

Although the registration aspects have now been taken care of, the above amendment could not bring in an organised system and the illegalities and nuisance of water sports operators are still prevailing in some areas.

Taking cognizance of the above, The Honourable High Court of Bombay at Goa in Writ Petition No. 501 of 2009 asked the Director of Tourism to file an affidavit in the matter. Accordingly the Director of Tourism vide affidavit dated 14.10.2009, submitted that *in order to have control and regulate the water sports along the beaches of North Goa and South Goa, the Government has taken a decision to set up a kiosk system through the medium of Goa Tourism Development Corporation.* This affidavit of the Director of Tourism was accepted and taken on record by the Honourable High Court on 14/10/2009 and in terms of the above affidavit the petition was disposed off.

The Honourable High Court of Bombay at Goa in yet another Public Interest Litigation Writ Petition No. 09 of 2011 passed an interim order to regulate the Watersports activities at the Calangute Beach, the operative part of which is as under:

"*The Director of Tourism will ensure that:*

(a) Booths (table and chairs) are set up at each of the demarcated water sports zones to receive payments from the persons interested to avail of water sport activities.
(b) Tourist Police/ Marine Police assist the Water Sports Zone to ensure that the Water Sports Operators do not ply their boats in the Bathing Zone.
(c) Sign boards are erected below the red/yellow flags to indicate that the safe bathing zone which is monitored by the life guard."

A contempt Petition No. 28 of 2009 in Writ petition No. 501 of 2009 was filed before The Honourable High Court of Bombay at Goa for non compliance of the orders of the Honourable High Court dated 14/10/2009 in Writ Petition No. 501 of 2009. The Honourable High Court appointed a commissioner to ascertain whether the directions were implemented by the State. The Commissioner stated that the orders have substantially been not implemented and submitted a report to the Court. The High Court heard the matter on 31.8.2012 and directed to issue contempt notices to Director of Tourism.

The Policy for Regulation of Watersports therefore aims to comply with the directions of The Honourable High Court dated 14/10/2009 in Writ Petition No. 501 of 2009 in order to regulate and monitor the entire Watersports Activity in the State of Goa. It also emphasizes on having

uniform rates for different watersports activities across the state so that the Tourists enjoy uniform and transparent rates. The policy also specifies safety norms and lifesaving equipments to be used in the conduct of watersports. The Policy provides for consolidation of all the legal provisions with respect to watersports and also provides for action including penal action on the defaulters and violators of the clauses and ensures that no illegal means are resorted to by the Watersports Operators and finally aims to bring in a systematic and integrated approach in the conduct of the watersports and allied activities in the State of Goa.

<u>Watersports activities includes the following</u>

- Barefoot skiing - waterskiing with no skis
- Boating - use of boats
- Body boarding is similar to surfing, with a smaller board.
- Cable Skiing - similar to wakeboarding but with cables for artificial manoeuvring
- Canoeing
- Flow boarding
- Jet Skiing
- Kayaking
- Kite boating
- Kite surfing on flat water using a kite for propulsion
- Parasailing where a person is towed behind a vehicle (usually a boat) while attached to a parachute
- Rafting
- Rowing
- Sailing using the wind for propulsion
- Sit-down hydrofoiling - riding on the water with a hydrofoil attached to a ski
- Skimboarding - a board is used to ride on an incoming wave
- Skurfing - the participant "skurfs" behind a boat on a surfboard
- Stand up paddle surfing a surf style board with a paddle, used in flat water or waves
- Surfing downhill on ocean waves or artificial waves in a wave pool
- Wakeboarding - similar to water skiing, but using only one board attached to the feet
- Wakeskating - similar to wakeboarding, but the board is not attached to the feet
- Wakesurfing - mix between wakeboarding and surfing
- Waterskiing is using skis to slide over the water while being pulled by a boat or other device
- White water rafting
- Windsurfing on flat water using wind for propulsion in combination with sails
- Yachting sailing on yachts, daysailing, cruising or Yacht racing
- Dolphin trips, crocodile Dundee etc
- Any other related watersports activity.

<u>Water Sports Policy 2012</u>- In compliance with the directives and the approval of the State Cabinet, the Government of Goa has formulated the following Policy/Guidelines for regulation of water sports activities, for strict compliance.

1. The Government of Goa through its various Departments shall have absolute right and control over water sports activities carried out over various water bodies within the jurisdiction of

the State including the inland water ways, dam reservoirs, lakes, rivers, ponds and the coastal waters.

2. The Government of Goa shall formulate policies or guidelines or issue advisories and make new rules or amend existing rules, as may be necessary from time to time for the systematic regulation, development and operation of Watersports in the entire State through the Department of Tourism and also formulate a policy for safe and systematic conduct of watersports and ensure that the water sport activities are conducted in a regulated and fair manner in order to promote the concept of Safe and Honourable Tourism.

3. The Government of Goa may appoint suitable and competent agencies for conducting the various studies, research, methodologies for determining the carrying capacity and for development and operation of watersports activities in the State.

4. The Government of Goa hereby designates the Department of Tourism to function as the Nodal Department for the safe and smooth operations and regulation of the watersports in the entire state and all the other related Departments like Captain of Ports, Department of Fisheries, Department of River and Navigation, Department of Water Resources, Police Department etc shall coordinate and assist the Department of Tourism in smooth discharge of its functions in the State, for regulation of water sports activities.

5. The Government of Goa may, by an order notified in the Official Gazette may appoint one or more agencies for smooth management, operation and conduct of Water sport Activities in various parts of the State. The period of operation, technology and scope of work of the agency shall be identified and finalised by the Department so that the conduct of water sports activities is carried on smoothly, in the interest of the tourists and other stakeholders.

6. All Watersports Operators or Water sports trades, which are currently unregistered as on date in the State should get themselves registered under the Provisions of The Goa Registration of Tourist Trade (Amendment) Act, 2011 with the Department of Tourism, Government of Goa. No unregistered Watersports related Trade or operator, who is unregistered, shall be allowed to operate in the State.

7. Every operator of boat rides or watersports activity in the rivers, inland waters and lakes shall obtain due permission from the Captain of Ports or a competent authority appointed for that purpose by the Central or State government.

8. In case of hotels or chartered operators who operate water sports activities for their in house guests exclusively, the same

shall be done as per rates notified by the Department, follow same safety standards and shall not use the boats/ vessels for general public/ tourists. If the Hotel / their operator are found in violation of this norm then the Department will cancel the registration of such errant hotels/ operators. All such water sports activities shall commence only from zones exclusively designated for water sports activities and from no other place.

9. No foreigners shall be permitted to work as an operator or instructor or as a partner without valid Work Visa and the approval of the Government of Goa.

10. Safety Certificate: The Government of Goa may appoint Competent Agency or National Institute of Watersports, Ministry of Tourism, Government of India to prescribe Safety Standards and Safety norms. The Agency so specified shall have the Powers to issue Safety Certificate to Watersports Operators. All Watersports operators should possess Safety Certificate and produce such certificate for inspection whenever called for. All safety standard and norms laid down by NIWS or any other agency designated for that purpose, shall be strictly followed by all operators.

11. Any operator who causes harm/injury/ death to a tourist/ general public / third party on account of his actions/ irresponsible behaviour/neglect of safety norms etc shall be punishable as per relevant provisions of the Indian Penal Code (IPC), Criminal Procedure Code or Civil Procedure code as the case may be. Further the operator shall be debarred for a period of three years, in case he causes any death or grievous injury to any tourist/ general public, on account of his neglect.

12. Department of Tourism may register or refuse to register an operator or a trade after considering its feasibility, impact, safety aspects, carrying capacity, past safety history of the operator, reasonability of rates being charged, etc. in order to ensure safety of the visiting Tourists.

13. Those water sports equipment not requiring license or certification either from Mercantile Marine Department or the Captain of Ports, will require certification from National Institute of Water sports (NIWS) Caranzalem or any other agency as may be approved by Government of Goa, Department of Tourism.

14. The Operator/applicant shall produce to the Department of Tourism, Government of Goa proof regarding insurance of the passengers as per the capacity of the boat/ equipment, to the extent as may be specified per passenger, by the Department of Tourism. The Department proposes to create a separate fund for servicing third party claims and the details of such scheme will be separately worked out subsequently and the same will be a contributory scheme.

15. All life saving equipment as specified by the department, must be made available on board or at the bank/beach, as the case may be.

16. The applicant shall produce a certificate issued by N.I.W.S., or Captain of Ports or Mercantile Marine Department as the case may be, showing that the Crew have been trained for (a) manning and operating the boat/equipment. (b) life saving techniques.

17. Registration number plate for a specific boat/equipment shall be obtained through the Department of Tourism at the cost of the operator and prominently affixed at a place on the boat/ equipment to be specified by the Department or Captain of Ports.

18. Capacity of the boat as certified by the Mercantile Marine Department/Captain of Ports/National Institute of Water Sport shall be mentioned in the registration number plate and complied with strictly.

19. Area of operation shall be clearly specified by the operator as per permission obtained from Caption of Ports or Mercantile Marine Department and the same shall be strictly followed for the activity.

20. The registration certificate shall be made available on board at all times. The registration shall be valid for one year only.

21. <u>Training of Personnel</u>- All watersports operators shall employ and engage only well trained personnel certified by National Institute of Water sports or any other reputed institute as may be specified by Department of Tourism. All the personnel shall be trained to deal with emergencies and rescue procedures. All personnel operating the water sports equipment shall bear a good character to be verified by the concerned Police station and the said responsibility will be that of the Operator. The owner / operator shall furnish names and qualifications of all such operators to the Department or its agency, in order to issue photo identity cards to the owners and personnel, which shall be prominently displayed at all times.

22. The operators and their personnel shall cooperate and follow all instructions given by personnel of the Department or its agency Police/any beach safety agency appointed by the Department.

23. No powered watercraft like jet skies, speed boats and motorized boats shall be permitted in the sea waters close to the shore, since these would drive away turtles who remain in shallow waters for weeks prior to landing on the beach for nesting. Traditional fishing boats, wind-powered sail boats, wind surfing. kite surfing and similar ecologically friendly activities may be permitted.

24. Watersports Infrastructure:-In order to have safe & smooth conduct of watersports activities in the entire state, the Department Of Tourism shall follow a systematic approach thereby putting a proper system in place. The System would comprise follows.

a. The Department of Tourism in Co-ordination with the Captain of Ports, Department of Water Resources, National Institute of Water Sports, or any other suitable agency will identify and demarcate specific areas on beaches , lakes etc where watersports operators will operate their equipment as per the safety standards prescribed. The Watersports activities on the beaches/ inland waters will be carried out from 6.30 a.m. to 6.30 p.m. or before sunset whichever is earlier. No watersports activities shall be carried on in unsafe weather conditions, monsoons, period of storm, or any such period banned or notified by the competent authority.

b. The Department of Tourism or competent authority will demarcate areas for swimming zones and watersports activity zones by installing proper demarcating materials like floating Buoys etc. The demarcated areas would comprise of Watersports corridors, watersports activity area, safe Swimming and bathing areas, etc. The Department of Tourism may therefore appoint a suitable agency to get the demarcation and installation and maintenance of zones, done as above after following due codal formalities.

c. The Government of Goa may designate or appoint any organisation or agency through the Department of Tourism for operation and Management of Watersports Activities for managing of kiosks, identifying suitable manpower for uniform ticketing, etc. The agency so designated shall implement a queue system and devise suitable software and methodology for managing of water sports activities and shall only deal with those operators who are registered with the Department of Tourism under the Goa Registration of Tourist Trade Act, 1982.

d. The Department of Tourism or its agency, will install fully functional kiosks which will dispense tickets and ensure collection of ticket fees at one point. All taxes applicable will also be charged at one point. The said kiosk may also be used as police counters and information points for the tourists or any other such use as the Department may specify.

e. The Watersports activity management will comprise of a kiosk managed by trained personnel who will issue computerised tickets to the public. Suitably designed software will monitor the automatic implementation of the Queue System so that all the empanelled Watersports operators get a fair amount of business by rotation. The Department or its designated agency may also sell tickets through its website. The Charges collected through the business on the day of the activity shall go directly in to the accounts of the watersports operator proportionately, through the medium of internet banking/ cheques etc. The Department may specify charges to be collected from the water sports operators to be levied on the base charges of the tickets sold by respective water sports activities/operators, in order to defray costs incurred on Administration and related contingent expenditure. Such charges to be collected in addition to applicable taxes shall be specified in the official gazette.

f. In order to have proper coordination and ensure transparency, the water sports operators are at liberty to form their own registered associations and representatives of such association will be consulted by the Department while notifying or revising rates, implementing safety standards etc for various watersports activities, addition of new watersports activities etc.

g. Any watersports operator who is found to be violating the system or operating the watersports equipment in unauthorised area shall be treated as nuisance under the Goa Tourist Places (Protection and Maintenance) Act, 2001 and shall be prosecuted in accordance with the said Act. The errant watersports operator will be blacklisted from the queue system for ten days for the first default and thereafter for 30 days in case of subsequent default/ violation of these guidelines. Any further violation will result in suspension of license for such period as the Director Tourism, may decide.

h. The Director of Tourism shall notify interim or final rates for water sports activities as per Section 37 of The Goa Daman & Diu Regulation of Tourist Trade Act 1982, vide order notified in the Official Gazette, within a period of 45 days from the coming into force of this policy. The rates for watersports may vary depending on location of beach and other factors.

i. The Department of Tourism may issue specific Guidelines for the smooth conduct of the Queue System and may revise the rates as per the Market rates applicable vide suitable orders from time to time.

25. **Security deposit** Each watersports operator shall furnish a refundable security deposit of Rs. 5,000/- per boat/ activity in the form of Demand Draft drawn in favor of Director Tourism, payable at Panaji .In case of default or breach of or non compliance of any of the terms and conditions of the watersports policy or any other violations as are prohibited under the prevailing Laws, the Security Deposit made by the applicant shall be forfeited, without notice. The applicant shall be required to produce a fresh demand draft of equal amount within a period of 10 days in order to continue the watersports activities, failing which the permission so granted shall be revoked without any further intimation to the operator and the operator shall be removed from the queue system. The deposit made by the applicant shall be refunded after the operator opts out of the watersports activity for whatsoever reasons, provided he has not violated any conditions of this policy.

26. Fees-The registration fees for watersports operators shall be fixed by the Department from time to time.

27. Removal of difficulties: In case of any difficulty arising in the implementation of this Policy 2012-2013, the decision of the Director of Tourism shall be final. Failure to comply with any of the above conditions and furnishing of incorrect information by the watersports operators, the said watersports operator shall be debarred for a minimum period of three years and the amount deposited as Fees/Security Deposit shall be forfeited to Government treasury.

DIRECTOR
TOURISM

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 167 OF 2007

BRITTO AMUSEMENTS PVT. LTD. ... Petitioner
Versus
STATE OF GOA THROUGH ITS CHIEF SECRETARY AND ANR ... Respondents

Ms. Norma Alvares, Amicus Curiae.
Mr. S.S. Kantak, Advocate General with Mr. A. Kamat,Addl. Government Advocate for Respondent no.1 & 2.

Coram:- NARESH H. PATIL &
N. A. BRITTO, JJ.

Date:- 16th February, 2010

P.C:

Heard.

2. The learned Amicus Curiae, Ms. Norma Alvares has placed on record a list of eight issues framed for consideration in this petition. A copy of the same is handed over to the Learned Advocate General.

3. The Learned Amicus Curiae has also placed on record a copy of terms and conditions for grant of permission for erection of temporary shacks/decks-beds/umbrellas on the identified beaches of Goa for the tourist season 2009-10 (October 2009 to 31st May, 2010). Both these documents are taken on record.

4. The Learned Advocate General to take instructions from responsible authorities in respect of the issues raised and make appropriate statements on the next date of hearing, by filing Affidavit-in-Reply.

5. Stand over to 4/03/2010 at 2.30p.m.

NARESH H. PATIL, J.

N. A. BRITTO, J.

ap/-

Issues for Consideration in W.P 167 / 2007

1. Whether the beach, which is a public property covered under the Public Trust Doctrine, can be exploited by Government for commercial purposes and beach spaces privatised even if it is for short or seasonal periods.

2. Whether the Government's policy for permitting shacks and deckbeds on the beaches ensures that the public nevertheless has unrestricted access to the beaches and that the number of shacks does not lead to over-exploitation or exceeds the carrying capacity of particular beaches.

3. Whether some beaches which do not have shacks and beachbeds at the present time ought not to be kept permanently free of shacks.

4. Whether the Govt has set up adequate infrastructure to ensure:

   (i) General cleanliness of the beaches

   (ii) Garbage disposal from beach shacks

   (iii) Civic amenities (toilets) for the public / shack staff

5. Whether the Govt. has any means of ensuring that its policy/permissions for shacks/deckbeds is strictly adhered to and the actions it proposes to take in case of violations. For example, how does Government propose to monitor the beach so that illegal shacks, additional deckbeds, burning/burial of garbage by shacks are nipped in the bud.

6. Whether water-sports activities are regulated to ensure safety of the public, their fees/charges are approved and listed and conflicts with other users (example, fisherfolk) are avoided.

7. Whether Govt. has set up any infrastructure to enable the public to peacefully enjoy the beaches and in particular measures to ensure safety of women and children. At present there is no complaint mechanism available for actions against any form of harassment.

8. Whether the Govt. has made adequate arrangements to ensure safety of the public who enter the sea for swimming/bathing.

9822584949
Vivek Rod

Copy for Amicus Curiae ~~Petitioner~~.

9922621512 – Walter.

IN THE HIGH COURT OF BOMBAY AT PANAJI GOA

Writ Petition No.: /2010

J. W. D'SOUZA ..... PETITIONER

V/S

STATE OF GOA & 2 Ors. ..... RESPONDENTS

INDEX

Sr. No.	Particulars	Annexures	Pages
1.	Chronology		A-
2.	Memo of Petition		1-16
3.	Copies of the terms & conditions for grant of permission for erection of temporary shacks / deck beds / umbrellas on the identified beaches of Goa for the tourist season 2010- 2011 and the plan showing the bathing zone and water sport and parasailing zone	"A" colly	17-33
4.	Photographs	"B" colly	34-40
5.	Copies of the newspaper report dated 23/11/2009, 10/12/2009, 19/12/2010, 22/12/2010, 25/12/2010 and 11/01/2011	"C" colly	41-47

6.	Affidavit		48

Panjim,

20/01/2011

Petitioner

CHRONOLOGY OF DATES & EVENTS :

The Petitioner is a citizen of India.

This petition seeks to demonstrate the total violation of the provisions of the CRZ Notification, 1991, and the terms and conditions for grant of permission for erection of temporary shacks / deck beds / umbrellas on the identified beaches of Goa for the tourist season 2010- 2011 , and failure on the part of the authorities to control the rash , negligent and uncontrolled Water Sports Activity on the beaches in the state of Goa and failure on the part of the authorities / Respondents to take action against the illegal development / construction activity as more particularly stated in the petition and the blatant and gross violation of the provisions made under the CRZ Notification and also the directives issued by this Hon'ble Court in respect of permissions for shacks / deck beds / umbrellas on the

identified beaches in the State of Goa more particularly the Calangute Beach.

The Petitioner on an earlier occasion had approached this Hon'ble Court with a letter petition placing before this Hon'ble Court the manner in which the beaches in Goa were commercially exploited. This Hon'ble Court was pleased to take cognizance of the said letter petition. It appears that the directions issued by this Hon'ble Court are not complied to the Respondents which fact is evident from the position of the beaches as of date. — WP 167/2007

2010-2011 : The Petitioner states that the Respondent No.2 has formulated a policy / guidelines for permitting shacks / deck beds / umbrellas on the identified beaches of Goa for the Tourist season 2010-2011. The said guidelines have been framed pursuant to the directives issued by this Hon'ble Court from time to time in writ petition no. 167/07.

The Petitioner states that the said guidelines framed by this Hon'ble Court in respect of permission for shacks / deck beds / umbrellas on the identified beaches of Goa have been approved by the Respondents herein.

The Petitioner states that in terms of the said guidelines the Respondent No. 2 has granted permission for temporary erection of shacks, placing of deck beds in terms of the guidelines and the policy.

The Petitioner states that the Respondent No. 2 in terms of the terms and conditions for grant of permission for erection of temporary shacks / deck beds / umbrellas on the identified beaches of Goa is required to grant permission for the limited numbers of shacks as well as deck beds.

The Petitioner states that the Respondent No. 2 is required to mark / demarcate the areas on the beach / in the sea as bathing zone and water sport and parasailing zone. The Petitioner states that the said zones namely bathing zone and

water sport and parasailing zone are required to be marked in areas where the general public are not using either to relax or to enjoy the scenic beauty of the beach.

The Petitioner states that the Respondents are under obligation to ensure that there is no violation of the said terms and conditions / guidelines in respect of the allotment of temporary shacks / deck beds / umbrellas on the identified beaches of Goa and that the allottees of respective temporary shacks / deck beds / umbrellas on the identified beaches of Goa are required to strictly adhere to the said terms and conditions and abide by the same. The Respondents are also required to ensure that the Water Sports & Parasailing Activities are carried on in the areas demarcated for the said activities and that the same are not carried on in the other areas where there is movement of public and / or the areas of the beach which is marked for bathing.

The Petitioner states that the entire intentions of this Hon'ble Court of issuing the guidelines and the Respondents framing the terms and conditions as stated hereinabove is to ensure that the serenity on the beaches is maintained as also the environment is protected from degradation.

The Petitioner states that he is a senior citizen and that many other senior citizens like that of the Petitioner including the family of the Petitioner visit the various beaches in the State of Goa (the Petitioner has made a case specific petition pertaining to the Calangute beach) and as such the citizens expect that they are allowed / permitted to visit the beaches and enjoy the environment without any obstruction. However, on account of the misuse of the permissions of shacks / deck beds / umbrellas on the identified beaches of Goa, persons like the Petitioner including the visitors / tourist who come down to Goa after having learnt

about the beautiful beaches in Goa are prevented from even walking on the beach and enjoying the environment on account of shacks being erected almost on the beach as also placement of deck beds / umbrellas on the beach near the water line.

The Petitioner states that on the Calangute / Baga beach, shacks are not only constructed on the beach but construction (unauthorized / illegal) using cement / masonry work is done in the said shacks. The Petitioner states that the shack owners have constructed illegal concrete / PCC paved motorable approach roads leading from the main road upto the respective shacks situated on the beach. The said motorable approach roads are in Government property and are constructed by cutting and clearing shrub vegetation on the beach.

In fact, toilets are built in the shacks and the waste generated from the toilet is directly left on the beach by digging trenches on the beach.

There is no provision for waste and the garbage disposal in most of the shacks.

The Petitioner states that the shack owners have also dug wells on the beach apparently without any permission / approval from the competent authorities.

The Petitioner states that the persons who have erected the shack on the said beach are keeping tables / chairs in front of their shacks upto the water line of the beach , which not only acts as an obstruction but further spoils the beauty of the beach.

The Petitioner states that fish is also being sold directly by the shack owners on the beach.

The Petitioner states that on account of the deck beds / umbrellas being placed on the beach, the Petitioner and / or persons similarly situated like the Petitioner as also the other visitors of the beach are physically obstructed by the same. Adding to the miseries there is water sport

activity being carried out right on the edge of the beach which apart from being an obstruction endangers the life and limb of the visitors on the beach as also the people who take bath in the sea water.

The Petitioner states that the local newspapers have reported many incidents in which the tourists as well as the local having bath have been reportedly injured in accidents on account of motor sport being carried out on the beach.

18/12/2010: The Petitioner states that recently there was a death of a tourist at Calangute Beach on account of rash and negligent water sports activity. Apparently another tourist was seriously injured on account of the said accident. It appears that the said accident was due to the rash and negligent water sport activity that too carried on in a non water sport zone area.

The Petitioner states that despite assurances given by the Respondents of initiating action against the uncontrolled Water Sport Activities

on the beaches and assurances to the effect of ensuring public safety on the beaches by controlling and having a strict vigil on the said activities , no action has been factually taken and the said Water Sport Activities are carried on unabated and with impunity.

The Petitioner states that though there are life guards on the beach and apparently supervisors from the office of the Respondent No. 2, none of them take steps to either control illegal activities on the said beach nor prevent encroachment on the beach area resulting in public nuisance , the said life guards / officials are mute spectators.

The Petitioners states that the authorities more particularly Respondents 2 and 3 have turned nelson's eye on the illegalities committed by the allotees of shacks / deck beds / umbrellas on the identified beaches of Goa.

The Petitioner states that in addition to illegalities being committed by the allottees on the Calangute - Baga beach, there are many

other shacks erected on the beach claiming that the same are erected on private properties. The said shacks are not only illegal for want of permissions but are committing nuisance to the visitors on the beach. The said shack owners are also placing deck beds / umbrellas on the beaches.

The Petitioner states that the illegal shacks are erected on the beaches without permission from the authorities for erection of the same on the beach.

The Petitioner states that the Respondents are acting in breach of the guidelines issued by this Hon'ble Court in the matters pertaining to the shacks, deck beds, umbrellas, etc.

Panjim,

20/01/2011

Petitioner

POINTS FOR DETERMINATION :

1. Whether the Respondents have failed to do their statutory duties and to implement the directives / guidelines issued by this Hon'ble Court ?

Panjim,

20/01/2011

Petitioner

PIL WP 15/2010

IN THE HIGH COURT OF BOMBAY AT PANAJI
GOA

Writ Petition No.: 15 /2010

IN THE MATTER OF TERMS AND CONDITIONS FOR GRANT OF PERMISSION FOR ERECTION OF TEMPORARY SHACKS / DECK BEDS / UMBRELLAS ON THE IDENTIFIED BEACHES OF GOA FOR THE TOURIST SEASON 2010- 2011.

AND

IN THE MATTER OF VIOLATION / BREACH OF THE TERMS & CONDITIONS FOR GRANT OF PERMISSION FOR ERECTION OF TEMPORARY SHACKS / DECK BEDS / UMBRELLAS ON THE IDENTIFIED BEACHES OF GOA FOR THE TOURIST SEASON 2010- 2011.

AND

IN THE MATTER OF ACCIDENTS ON THE BEACHES ON ACCOUNT OF RASH & NEGLIGENT WATER SPORTS ACTIVITIES.

AND

IN THE MATTER OF ARTICLE 14 AND 21 OF THE CONSTITUTION OF INDIA.

AND

IN THE MATTER OF ENVIRONMENTAL PROTECTION ACT.

AND

IN THE MATTER OF ARTICLE 226 OF THE CONSTITUTION OF INDIA.

J. W. D'SOUZA,
67 years of age,
Son of late F. D'Souza,
Resident of 221, Arrias wado,
Nagoa, Bardez – Goa. ..... PETITIONER

V/S

1. STATE OF GOA,
   Through its Chief Secretary,
   Secretariat, Alto Porvorim,
   Bardez – Goa.

2 DIRECTOR OF TOURISM,
   Department Of Tourism,
   Patto, Panaji – Goa.

3 THE MEMBER SECRETARY,
   Goa Coastal Zone Management Authority,
   Saligao, Bardez – Goa.

4. Village Panchayat of Calangute
   Through its Sarpanch / Secretary,
   Having office at Calangute ,
   Bardez, Goa. ..... RESPONDENTS

- Registered Addresses.

To,

THE HON'BLE CHIEF JUSTICE AND

HIS COMPANION JUDGES

HUMBLE PETITION OF THE PETITIONER ABOVE-NAMED

4

MOST RESPECTFULLY SHOWETH:-

1. The Petitioner is a citizen of India.

2. This petition seeks to demonstrate the total violation of the provisions of the CRZ Notification, 1991, and the terms and conditions for grant of permission for erection of temporary shacks / deck beds / umbrellas on the identified beaches of Goa for the tourist season 2010- 2011 , and failure on the part of the authorities to control the rash , negligent and uncontrolled Water Sports Activity on the beaches in the state of Goa and failure on the part of the authorities / Respondents to take action against the illegal development / construction activity as more particularly stated herein below.

3. The Petitioner is a public spirited individual and is concerned about the blatant and gross violation of the provisions made under the CRZ Notification and also the directives issued by this Hon'ble Court in respect of permissions for shacks / deck beds / umbrellas on the identified beaches in the State of Goa more particularly the Calangute Beach. The Petitioner on an earlier occasion had approached this Hon'ble Court with a letter petition

placing before this Hon'ble Court the manner in which the beaches in Goa were commercially exploited. This Hon'ble Court was pleased to take cognizance of the said letter petition. It appears that the directions issued by this Hon'ble Court are not complied to the Respondents which fact is evident from the position of the beaches as of date.

4. The Petitioner states that the Respondent No.2 has formulated a policy / guidelines for permitting shacks / deck beds / umbrellas on the identified beaches of Goa for the Tourist season 2010-2011. The said guidelines have been framed pursuant to the directives issued by this Hon'ble Court from time to time in writ petition no. 167/07.

5. The Petitioner states that the said guidelines framed by this Hon'ble Court in respect of permission for shacks / deck beds / umbrellas on the identified beaches of Goa have been approved by the Respondents herein.

6. The Petitioner states that in terms of the said guidelines the Respondent No. 2 has granted permission for temporary erection of shacks, placing of deck beds in terms of the guidelines and the policy.

7. The Petitioner states that the Respondent No. 2 in terms of the terms and conditions for grant of permission for erection of temporary shacks / deck beds / umbrellas on the identified beaches of Goa is required to grant permission for the limited numbers of shacks as well as deck beds.

8. The Petitioner states that the Respondent No. 2 is required to mark / demarcate the areas on the beach / in the sea as bathing zone and water sport and parasailing zone. The Petitioner states that the said zones namely bathing zone and water sport and parasailing zone are required to be marked in areas where the general public are not using either to relax or to enjoy the scenic beauty of the beach. The said is the requirement so that the general public / tourist who visit the beach are not disturbed as also the Water Sports Activities, etc do not obstruct the free movement of the general public as also the people who visit the beach to bath.

Annexed hereto and marked as Annexure -"A" colly are the copies of the terms & conditions for grant of permission for erection of temporary shacks / deck beds /

umbrellas on the identified beaches of Goa for the tourist season 2010- 2011 and the plan showing the bathing zone and water sport and parasailing zone.

9. The Petitioner states that the Respondents are under obligation to ensure that there is no violation of the said terms and conditions / guidelines in respect of the allotment of temporary shacks / deck beds / umbrellas on the identified beaches of Goa and that the allottees of respective temporary shacks / deck beds / umbrellas on the identified beaches of Goa are required to strictly adhere to the said terms and conditions and abide by the same. The Respondents are also required to ensure that the Water Sports & Parasailing Activities are carried on in the areas demarcated for the said activities and that the same are not carried on in the other areas where there is movement of public and / or the areas of the beach which is marked for bathing.

10. The Petitioner states that the entire intentions of this Hon'ble Court of issuing the guidelines and the Respondents framing the terms and conditions as stated hereinabove is to ensure that the serenity on the beaches is

maintained as also the environment is protected from degradation.

11. The Petitioner states that he is a senior citizen and that many other senior citizens like that of the Petitioner including the family of the Petitioner visit the various beaches in the State of Goa (the Petitioner has made a case specific petition pertaining to the Calangute beach) and as such the citizens expect that they are allowed / permitted to visit the beaches and enjoy the environment without any obstruction. However, on account of the misuse of the permissions of shacks / deck beds / umbrellas on the identified beaches of Goa, persons like the Petitioner including the visitors / tourist who come down to Goa after having learnt about the beautiful beaches in Goa are prevented from even walking on the beach and enjoying the environment on account of shacks being erected almost on the beach as also placement of deck beds / umbrellas on the beach near the water line.

12. The Petitioner states that on the Calangute / Baga beach, shacks are not only constructed on the beach but construction (unauthorized / illegal) using cement /

masonry work is done in the said shacks. The Petitioner states that the shack owners have constructed illegal concrete / PCC paved motorable approach roads leading from the main road upto the respective shacks situated on the beach. The said motorable approach roads are in Government property and are constructed by cutting and clearing shrub vegetation on the beach. The said motorable approach roads are approximately having a length of 50 to 70 mtrs and a width of 2 mtrs.

13. In fact, toilets are built in the shacks and the waste generated from the toilet is directly left on the beach by digging trenches on the beach. There is no provision for waste and the garbage disposal in most of the shacks.

14. The Petitioner states that the shack owners have also dug wells on the beach apparently without any permission / approval from the competent authorities.

15. The Petitioner states that the persons who have erected the shack on the said beach are keeping tables / chairs in front of their shacks upto the water line of the beach , which not only acts as an obstruction but further spoils the beauty of the beach.

16. The Petitioner states that fish is also being sold directly by the shack owners on the beach.

Annexed hereto and marked as Annexure- "B" colly are the photographs showing the shacks, deck beds, tables and chairs, approach road on the Calangute beach.

17. The Petitioner states that on account of the deck beds / umbrellas being placed on the beach, the Petitioner and / or persons similarly situated like the Petitioner as also the other visitors of the beach are physically obstructed by the same. Adding to the miseries there is water sport activity being carried out right on the edge of the beach which apart from being an obstruction endangers the life and limb of the visitors on the beach as also the people who take bath in the sea water. The Petitioner states that the local newspapers have reported many incidents in which the tourists as well as the local having bath have been reportedly injured in accidents on account of motor sport being carried out on the beach.

18. The Petitioner states that recently i.e. on 18/12/2010 there was a death of a tourist at Calangute Beach on account of rash and negligent water sports activity. Apparently

another tourist was seriously injured on account of the said accident. It appears that the said accident was due to the rash and negligent water sport activity that too carried on in a non water sport zone area. The Petitioner states that despite assurances given by the Respondents of initiating action against the uncontrolled Water Sport Activities on the beaches and assurances to the effect of ensuring public safety on the beaches by controlling and having a strict vigil on the said activities , no action has been factually taken and the said Water Sport Activities are carried on unabated and with impunity.

Annexed hereto and marked as Annexure – "C" colly are the copies of the newspaper report dated 23/11/2009, 10/12/2009, 19/12/2010, 22/12/2010, 25/12/2010 and 11/01/2011.

17. The Petitioner states that though there are life guards on the beach and apparently supervisors from the office of the Respondent No. 2, none of them take steps to either control illegal activities on the said beach nor prevent encroachment on the beach area resulting in public

nuisance , the said life guards / officials are mute spectators.

18. The Petitioners states that the authorities more particularly Respondents 2 and 3 have turned nelson's eye on the illegalities committed by the allotees of shacks / deck beds / umbrellas on the identified beaches of Goa.

19. The Petitioner states that in addition to illegalities being committed by the allottees on the Calangute – Baga beach, there are many other shacks erected on the beach claiming that the same are erected on private properties. The said shacks are not only illegal for want of permissions but are committing nuisance to the visitors on the beach. The said shack owners are also placing deck beds / umbrellas on the beaches.

20. The Petitioner states that the illegal shacks are erected on the beaches without permission from the authorities for erection of the same on the beach. However apparently persons apply for permission from the Respondent No.2 to erect shacks in the private property, in the guise of the said permissions shacks are factually erected on the beaches. The Respondents neither verify the factual

position on site to ascertain as to whether the shacks permitted are erected at the locations permitted namely identified on the plans . Similarly the Respondents and more particularly the Respondent No. 4 do not verify as to whether the shacks permitted in the private property are erected in the respective survey numbers as shown in the plans annexed to the permissions as granted by the Respondent No.4.

21. The Petitioner states that it would not be out of context to mention here that at times the Respondents remove the deck beds / tables , umbrellas from the beaches however the same is an eyewash as within hours the deck beds / tables, umbrellas are back on the place from which they are removed.

22. The Petitioner states that the number of shacks, deck beds, umbrellas, tables and chairs factually put on the beach are in excess and in multiples than the one permitted.

23. The Petitioner states that the Respondents are acting in breach of the guidelines issued by this Hon'ble Court in the matters pertaining to the shacks, deck beds, umbrellas, etc.

24. The Petitioner states that no shacks should be permitted between the HTL and LTL and the Respondent should be directed to ensure the said area between HTL and LTL should be kept open and vacant so as to maintain the serenity of the beach.

25. The Petitioner states that the situation on the beaches in Goa on account of the failure of the statutory authorities to act in the matter and to ensure that the guidelines / policy framed by the Respondent No. 1 are strictly followed has resulted in a very bad condition.

26. Petitioner states that the statutory authorities have failed to discharge their statutory duties and as such the Petitioner is compelled to approach this Hon'ble Court with the present petition challenging the inaction on the part of the Respondents.

27. The Petitioner states that the interference of this Hon'ble Court is warranted in the present case in public interest on account of the culpable failure of the authorities to discharge their statutory duties. The Petitioner therefore approaches this Hon'ble Court for a direction to the Respondents to forthwith initiate action against the illegal

occupants on the beaches / illegal shacks / illegal deck beds / umbrellas on the beaches and to forthwith clear the said illegalities and ensure that the beaches are free so as to enable persons like the Petitioner / visitors of the beach to enjoy the beaches and in turn to protect the environment.

28. The Petitioner therefore approaches this Hon'ble Court and files the present petition in public interest.

29. The Petitioner had earlier approached this Hon'ble Court by a letter petition raising issues with regard to the exploitation of the beaches in the State of Goa.

30. The Petitioner hereby pays the prescribed fee of Rs. 150/-.

It is therefore prayed:-

PRAYERS

a) For a direction to the Respondents to forthwith initiate action against the illegal occupants on the beaches / illegal shacks / illegal deck beds / umbrellas on the beaches and to forthwith clear the said illegalities and ensure that the beaches are free so as to enable persons like the Petitioner

/ visitors of the beach to enjoy the beaches and in turn to protect the environment.

b) The Petitioner is a retired senior citizen living on pension. The Petitioner is not in a position to engage the services of a lawyer so as to represent the Petitioner before this Hon'ble Court on account of financial constrain and as such prays that this Hon'ble Court be graciously pleased to appoint an Amicus Curie in the matter.

c) Any other order this Hon'ble Court deems fit and proper.

Place: Panaji – Goa.

Date: 17/01/2011.

Petitioner

VERIFICATION

I, J. W. D'Souza, 67 years of age, son of F. D'Souza, resident of 221, Arrias wado, Nagoa, Bardez – Goa, the Petitioner herein, do hereby verify that the facts stated in the abovesaid petition are true to my knowledge and the submissions contained therein are based on legal advice, which I believe to be true.

Verified at Panaji on this 17th day of January 2011.

Petitioner

HIGH COURT OF BOMBAY AT GOA PANAJI

Before me
17/1/11
Section Officer
Judicial Branch

48.

IN THE HIGH COURT OF BOMBAY AT PANAJI GOA

Writ Petition No.: /2010

J. W. D'SOUZA ..... PETITIONER

V/S

STATE OF GOA & 2 Ors. ..... RESPONDENTS

AFFIDAVIT

I, J. W. D'Souza, 67 years of age, son of late F. D'Souza, resident of 221, Arrias wado, Nagoa, Bardez – Goa, the Petitioner herein, do hereby on solemn oath and affirmation state as under: -

1. I say that I am the Petitioner herein.
2. I say that the facts stated in the abovesaid petition are true to my knowledge and the submissions contained therein are based on legal advice, which I believe to be true.
3. I say that the copies annexed to the Petition are the true copies of the originals.
4. I say that the contents of Paras 1 to 3 above are true and correct to my knowledge.

Solemnly affirmed at Panaji
on 17th January 2011

Deponent

HIGH COURT OF BOMBAY AT GOA
PANAJI

Solemnly affirmed before me by Mr. J. W. D'Souza
identified before me by his PAN Card No. AAEPW6857H whom I personally know.
Dated this 17th day of January 2011.

Section Officer
High Court of Bombay at Goa
Panaji (Goa)

17

Annexure - A colly

(17)

TERMS AND CONDITIONS FOR GRANT OF PERMISSION FOR ERECTION OF TEMPORARY SHACKS/DECK-BEDS/UMBRELLAS ON THE IDENTIFIED BEACHES OF GOA FOR THE TOURIST SEASON 2010-11 (OCTOBER 2010 TO 31ST MAY 2011).

In compliance with the directives issued by the Hon'ble High Court of Bombay at Goa from time to time and with the approval of the Goa Coastal Zone Management Authority (GCZMA), the Department of Tourism has formulated the following Policy/Guidelines for the ensuing Tourist Season 2010-2011, for strict compliance.

1. Permission shall be granted for temporary erection of Shacks/placing of Deck-beds on the following identified beach stretches after a joint inspection to be carried out by the Officials of this Department along with the Officials of GCZMA:

NORTH GOA - 234 nos.

'A' Stretches (Permission Fees Rs.30,000/-)			B' Stretches (Permission Fees Rs.20,000/-)		
Sr. No.	Name of the Beach	No. of Shacks	Sr. No.	Name of the Beach	No. of Shacks
1	Calangute (106)		1	Keri	04
	(a) Saunta Vaddo	25	2	Arambol	08
	(b) Khobra Vaddo	17	3	Mandrem	06
	(c) Umta Vaddo	16	4	Morjim	08
	(d) Maddo Vaddo	10	5	Ozrant	06
	(e) Tival Vaddo	16	6	Anjuna	05
	(f) Gaura Vaddo	22	7	Vagator	05
2	Candolim (79)		8	Nerul (subject to availability of space)	04
	(a) Ximer	12	9	Siridao (subject to availability of space)	02
	(b) Escrivao Vaddo	10			
	(c) Camotim Vaddo	20			
	(d) Murud	10			
	(e) Vaddle	22			
	(f) Dando (Maximum 05 nos.)	05			

(1) Calangute 1 to 7 No 7

SOUTH GOA - 106 nos.

'A' Stretches (Permission Fees Rs.30,000/-)			B' Stretches (Permission Fees Rs.20,000/-)		
Sr. No.	Name of the Beach	No. of Shacks	Sr. No.	Name of the Beach	No. of Shacks
1	Majorda	10	1	Velsao	02
2	Colva	08	2	Arrosim	04
3	Lounginhos (Colva)	03	3	Utorda	07
4	Colmar (Colva)	01	4	Thonvaddo (Betalbatim)	06
5	Benaulim	12	5	Ranvaddo (Betalbatim) (Coconut Grove)	02
6	Calvaddo	03	6	Sunset Beach (Betalbatim)	01
7	Varca	04	7	Sernabatim (Colva)	03
8	Fatrade (Varca)	07	8	Velludo (Benaulim)	04
9	Mobor (Cavelossim) (near Hotel Leela & Holiday Inn)	06	9	Zalor	04
10	Khandivaddo (Cavelossim) (Near Hotel Dona sylvia & Old Anchor)	11	10	Palolem	08

(18)

The number of Temporary Shacks to be allotted at the various beaches may be subject to such variations as decided by the Government from time to time. Since there are no private beaches, only frontage for any hotel/establishment shall not be considered as sufficient reason for rejecting any Shack applications/ designating any slot for putting up Shack.

2. Application in the prescribed form as per enclosure for allotment of Temporary Shacks to be erected on identified beach stretches are invited from the persons and permission shall be granted to put up only one Shack by one member of a family who is unemployed and no other family members can apply. The applicant and his family members should not be directly or indirectly engaged in any business, vocations or profession or any service in Government or Private.

   The Expression "Family" shall include husband or wife, as the case may be and minor children.

3. In case of any complaints received with documental proofs on the successful Shack allottees or family of having any other business in operation during the period of permission i.e. from October'2010 to 31st May' 2011, the permission granted will be cancelled and the Shack will be re-allotted to the next waitlisted applicant.

4. The Shack shall be erected only at the place indicated in the Permission letter and as demarcated on the site plan by the Officials of the Department. ***The permission shall be collected within 15 days and shack shall be erected within one month from the date of draw of lots failing which the permission would be revoked. Under no circumstances the successful shack allottee shall erect the shack unless and until the permission is obtained from the Department.***

5. The Shack allottee shall provide printed bills to the customers for food, refreshment and any other service charges.

6. The unsuccessful Shacks applicants shall not erect any Shack illegally. If done so, shall be subject to demolition at his/her own risk and cost and the deposit submitted by the unsuccessful applicant shall be forfeited and deposited in the Government Treasury and he/she would be **Penalised/Black listed** from applying for Shacks for a period of **three years** without prejudice to action for contempt of Court for violation of High Court Orders from time to time.

(2)

7. No Shack shall be allowed in the area reserved for Fishing and Water Sports Activities or Bathing Zone.

Go to No 10

19

8. **The Shack allottee shall make provision for giving Fire cover/First Aid to the structure and the public/tourists and shall contact the Office of the Fire Service to obtain guidelines.**

9. The permission granted shall be valid for the current tourist season only i.e. from the date of grant of Permission upto 31st May 2011 and shall be subject to the allottee obtaining the required permissions, from the Excise Department, Health Department, Food & Drugs Administration, Electricity Department, Fire Services, Commercial Taxes Department and other concerned authorities as may be applicable.

9a. The Excise Department shall not issue any liquor licences to illegal Shacks. Before issuing licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Excise Department shall issue the licence (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

b. Health Department shall not issue any licences to illegal Shacks. Before issuing licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Health Department shall issue the licence (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

c. Directorate of Food Drugs & Administration shall not issue any licences to illegal Shacks. Before issuing licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Food & Drugs Department shall issue the licence (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

d. Electricity Department shall not issue any Electricity connection to illegal Shacks. Before giving the connection they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Electricity Department shall give the connection (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

e. Directorate of Fire Services shall not issue any licence to illegal Shacks. Before giving the licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Directorate of Fire Services shall issue the license (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

20

f. Department of Commercial Taxes shall not issue any licence to illegal Shacks. Before giving the licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Department of Commercial Taxes shall issue the license (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

g. The Police Department and respective Police Stations shall maintain a strict vigil along the beaches so as to prevent erection of illegal Shacks, Beds and stop hawkers, masseurs, lamanis and others such as peddlers in banned substances from operating on the beaches ***under their jurisdiction.***

10. **The Shack structure shall be of the size 15 mts. (length) x 8 mts. (breadth) only and the height of the Shack shall be maximum of 5.5 mts. including height of boards displayed above the roof. The size for the Beach Stretches of Calangute & Candolim shall be 12 mts. (length) X 6 mts. (breadth) and the height of the Shack shall be maximum of 5.5 mts. including height of board displayed above the roof. Shacks which differ in size other than permitted are liable to be demolished and the permission shall be cancelled forthwith. The alignment shall be decided by the Department of Tourism.**

Cl 10 to No 13

11. For the Tourist season 2010-11, the cost for Application Form shall be Rs.2,000/- and the fee for the seasonal Shack shall be as under:

At stretches: 'A' = Rs.30,000/-

At stretches: 'B' = Rs.20,000/-

Beach stretches of Calangute, Candolim, Majorda, Colva, Benaulim, Varca and Cavellosim are clasified as 'A' category beaches and the other beach stretches shall be termed as 'B' category.

The Permission fees shall be **non refundable** and payable alongwith the application form by way of **"Demand Draft Drawn only on State Bank of India in favour of Director of Tourism, payable at Panaji".**

12. The Shack shall be erected out of natural eco-friendly materials like bamboos/wooden poles with thatched palm leaves/ thatched bamboo mat roofing and no tin or plastic sheets shall be used. No permanent construction materials nor iron structures or iron sections of any nature shall be allowed to be used. The floor at the maximum can be of wooden planks. No cement/khadappa floor shall be allowed.

21

13. Each Shack allottee shall be permitted to put up **ten pairs of Deck-Beds with ten Umbrellas**, with the exception of **Calangute & Candolim Shack allottees** who shall be permitted to put up **five pairs of Deck-Beds and five Umbrellas** in close proximity to their respective Shacks. The Deck-Beds should be painted with the name and number of the Shack allotted. No Additional Deck-Beds/Umbrellas shall be permitted under any circumstances No scattering of Deck-Beds shall be allowed.

14a. **Subject to site conditions, permission for Deck-Beds/ Umbrellas for Hoteliers with beach frontage may be granted permission to put up a maximum number of twenty pairs of Deck-Beds and twenty number of Umbrellas at the rate of Rs.3,000/- per pair of Deck-Beds. No further request for additional Deck-Beds shall be considered under any circumstances. Deck-beds shall be permitted at the frontage on the area earmarked by the Officials of Tourism Department. No scatters of Deck-beds shall be allowed.**

14b. **Subject to site conditions, Deck-Beds may be permitted to put up at locations away from Shacks, based on applications made in this regard by unemployed local Residents at the rate of Rs.1,000/- per pair for a maximum upto three pairs per person.** ***However, no such permission shall be given in Baga to Sinquerim beach stretch.***

Locals

15. In case of illegal placement of Deck-beds and any additional materials placed on the beaches other than those permitted, the same shall be confiscated by the Department, without any Notice, and it shall be at the discretion of the Director of Tourism, to auction/dispose off the same. The Shack license/deck-bed permission shall, also be liable for cancellation. ***Besides, the concerned person/party shall be penalized by levying fine on the spot to the tune of Rs.500/- per pair of Deck-Bed/ Umbrella/Chair/Table placed on the beach stretches.***

16. Where the number of eligible applicants are more than the number of Shacks permitted on any particular beach, the selection shall be decided by draw of lots. ***The selection of site shall also be done by draw of lots.***

(a) ***90% of the Shacks shall be allotted by draw of lots to those applicants who are having past experience.***

(b) The remaining 10% shall be allotted by draw of lots from among the new applicants who have no prior experience.

22

In case there is any fraction arising while arriving at 90% figure, the benefit of the fraction shall go to higher side only if the fraction is 0.5 and above.

In those stretches where the number of Shacks is 5 or less allocation preference shall be to holders of experience.

Explanation:

i) For the purpose of experience, the applicant shall enclose copies of past permissions/valid document issued by the Tourism Department only. No other documents shall be accepted.

ii) Permissions issued in the name of a person who is deceased shall be allowed for the purpose of experience in case the applicant is the spouse of the deceased person or in his/her absence a legal heir.

17. ***A list of all successful Shack allottees for 2010-11 shall be endorsed*** among others to the (i) Excise Department (ii) Police incharge of the area (iii) Electricity Department (iv) Health Department (v) Food and Drugs Administration (vi) Fire Services (vii) Dy. Collector of the area (viii) Member Secretary, GCZMA.

The Applicants licences/ N.O.C's shall be cleared by the respective Departments without delay, the activity being seasonal.

18. The Shack shall be dismantled and all the materials used for its erection including the kitchen equipments/furnitures etc. shall be removed within three days of expiry of the permission (including disconnection of Temporary electric supply, ***water connection*** if obtained) once the season is over. The area shall be cleared and cleaned up without leaving any dirt/discarded material at the site. In case the allottee fails to remove the structure within three days of the expiry of the Permitted period, he/she would be debarred from applying for permission either in his own name or in the name of his close family members whose name figure in the Ration Card for a period of five years from the date of committing breach of the condition.

If due to any adverse weather conditions or beach protection or any such work / activity in public interest, needs to be carried, Director of Tourism may withdraw any permission for Deck-beds/Shack license before the specified date and in such cases, allottee/permission holder will not be liable for any compensation.

19. Each successful applicant shall furnish a refundable security deposit of **Rs.5,000/-** in the form of **"Banker's Cheque"** drawn in favour of **Director of Tourism payable at Panaji** only from State

23

Bank of India, Panaji before issue of permission. The deposit made by the applicant shall be refunded after the expiry of permission period and after the removal of structure and certificate obtained from the Designated Authority that the structure has been removed and land has been returned to its original form. In case of default, the Security Deposit made by the applicant shall be **forfeited to Government Treasury** and necessary work of removal shall be undertaken by the Government at the cost and risk of the applicant and excess amount if incurred shall also be recovered from the applicant after adjusting the Security Deposit.

20. The activity in the Shack shall be restricted to sale of food items and non-alcoholic beverages and not for any other purpose. For sale of any alcoholic beverages, necessary license shall have to be obtained by the allottee from the Department of Excise as per provisions of Excise law.

21. The Shack allotted shall not be Sublet under any circumstances. In case of subletting ***with documental evidence*** the Shack shall be demolished. Association with Lamanis, Masseurs, hawkers and sale/display of any other items other than food and beverages shall not be permitted.

22. The applicant **should not have any criminal record.** A Certificate of **antecedents** from the Police Department shall be obtained by the Department, if required.

23. Applicant should not be involved in any illegal activities, including **trafficking in drugs, immoral activities, pedophilia,** etc. and it shall be applicants responsibility to report any such cases noticeable, to the Police or the Tourism Department.

24. The Shack allottee shall not discharge dirty water, liquid, sewage from the toilets garbage or any dry waste on the beach, or into the sand. The Shack allottee will be required to maintain **two dust bins, one for biodegradable waste with a lid and the other for non-biodegradable waste. Each allottee will also maintain a container to collect the waste water generated from washing,** etc.. The concerned Village Panchayat/ Municipality shall collect and dispose of the respective wastes for which necessary fees shall be paid by the Shack allottee. **A log book** shall be maintained by the allottee in which the date and time of collection of the garbage shall be recorded and signatures of both the parties obtained with rubber stamp. **A mechanized beach cleaning system is in process of being implemented and the Shack allottees shall assist them as and when required.**

25. The Shack allottee will be required to compulsorily keep toilet facility which as far as possible be chemical mobile toilet for their

(24)

respective Shack. The Shack allottees shall tie up with the respective agencies for day-today maintenance and cleaning of the mobile chemical toilet.

26. Area surrounding the Shack must be kept clean by the Shack allottee. Burning or burying of waste/garbage in any form is not allowed. In case, any dirt/garbage, fire wood, charcoal, etc. is found behind the Shack or nearby or in the bushes/ vegetation/dunes, the Permission of the Shack will be liable for cancellation and Shack shall be demolished at the risk and cost of the Shack allottee.

27. The Shack allottee shall be allowed to display only one board indicating list of food-items/ rates within their Shack. In no case more boards shall be allowed. In case of violation, the boards shall be confiscated without any Notice. Further, each allottee shall obtain potable water for their use from certified sources only.

28. The Shack allottee shall have no discrimination for entering into the Shack against any person based on Nationality or any other such factors, and allotment is liable for cancellation in case of such complaints received, after due verification.

29. **In addition, the Department shall provide a flex sticker with the wording "Approved by the Department of Tourism" and with its logo "Go Goa a Perfect Holiday Destination" and Shack number and location of the Shack printed on it along with the photograph of the Allottee to be displayed prominently in front of the Shack.**

30. The Department reserves the right to make adjustment as regards to demarcation of Shacks depending upon the site condition/availability of space.

31. **No foreigners** shall be permitted to work in any Shack without Work Visa.

32. **No smoking and No spitting** board with the wordings "Say No to Tobacco" "Yes to Life" to be compulsorily displayed by each Shack allottee within the Shack and shall observe the rules and regulations under the Goa Prohibition of Smoking and Spitting Act, 1997. Further, the permission issued by the Department of Tourism should be displayed within the Shack premises which should be visible to the guests/authorities at all time.

33. **Timing for operation of Shack shall be from 7.00 a.m. to 11.00 p.m. and no loud music shall be played beyond 10.00 p.m.**

(25)

34. The Shack allottee shall take due care not to disturb any existing sand dunes and pioneer beach vegetation covering the sand dunes and they shall be protected and conserved. Failure to protect and conserve the same the Shack allottee will be held responsible for violation of CRZ Notification, 1991 and action shall be initiated against the violators including cancellation of the Permission.

35. <u>As far as Morjim Beach is concerned</u>:

The allottee shall not allow the following after sunset (i.e. after 6.00 p.m.).

a) Operation of Shack & related activities like placing of deck beds.
b) Artificial lighting.
c) Playing of loud music.

The Shack allottee shall inform any incidents of nesting, and shall actively co-operate with the protection staff, in protection of turtle, turtle nesting site, turtle eggs hatching etc.

36. **PERMISSION FOR ERECTION OF SHED FOR WATER SPORTS OPERATORS.**

Those who are interested to put a Shed to store their equipments/operate Water Sports Activities within the marked zone for the purpose, shall be permitted on payment of a fee of **Rs.20,000/-** in the form of **Demand Draft drawn on State Bank of India, Panaji in favour of Director of Tourism, payable at Panaji** for a area not more than 10 mtr. x 10 mtr. and they shall submit a refundable Security Deposit of Rs.5,000/- in the form of **"Banker's Cheque"**. The permission shall be valid for the tourist season only from October' 2010 to 31st May 2011. They should vacate and clear the site within three days from the date of expiry of the permission. The Water Sports activities should be carried out only within the demarcated area and the operator should be registered under the Tourist Trade Act, 1982 with the Department of Tourism (copy of a valid Certificate to be enclosed). **For operation of Water Sports activities, queue (Q) system shall be followed for which separate guidelines are being issued.**

Water Sports

The application for the said request will be considered on first come first serve basis and allocation depends purely on site condition.

37. **PERMISSION FOR ERECTION OF BASE STATION, BEACH WATCH TOWERS ETC..**

The Department's Life Safety Scheme shall have priority in erection of Base Station, Beach Watch Towers and Storage of all required

(96)

equipments. Similarly, the Department shall be at liberty to allow erection of beach nodal centres for protection of Children's Rights.

38. **PROPER AREA TO BE MAINTAINED FOR BATHING ZONE.**

Bath

This Department shall demarcate the area for bathing and the same has to be strictly followed and no other activities to be carried out/allowed taking into consideration the safety of tourists.

39. **PROPER AREA TO BE MAINTAINED FOR FISHING.**

This Department does not allow any activities / permission in the area where fishing activities are carried out.

40. Removal of difficulties: In case of any difficulty arising in the implementation of the Policy 2010-2011, the decision of the Director of Tourism shall be final.

Failure to comply with any of the above conditions and furnishing of incorrect information, if any by the allottee shall lead to cancellation of the Permission without Notice and demolition of the Shack at the risk and cost of the allottee and the amount deposited as Fees/Security Deposit shall be forfeited and deposited to Government treasury.

27

(Format for Affidavit for the identified Beach stretches of Goa)

A F F I D A V I T

I, _____ son/wife of _____
(Name of the Applicant)

_____ residing at _____
(Full residential address with house/ward no. of Village Panchayat concerned)

_____

do solemnly affirm and state as under:-

1. That I have submitted application to the Department of Tourism, Patto, Panaji, for the grant of permission for putting up a Temporary Shack at _____ Beach from October 2010 to 31st May, 2011 in the prescribed form.

2. Neither I nor my 'family' is directly or indirectly engaged in any business, vocation or profession or any service in Government or Private.

3. That I shall abide by the **"Terms and Conditions"** governing the grant of permission for erection of Temporary Shack read with beach Shack Policy 2010-11 and Hon'ble High Court Orders in Writ Petition No.167/2007 and all other Orders relating to the erection of Shacks, Deck-Beds and Umbrellas passed from time to time.

4. That in the event I am successful in securing permission for erection of Temporary Shack, I undertake to abide by the local laws including that of the Village Panchayat / Municipality, Health Department' Food & Drugs Administration (FDA), Fire Services, Excise Department, Electricity Department, Police Department, Commercial Taxes etc. and shall obtain requisite license for erection and carrying out of business of serving food and beverages.

5. That I will procure and maintain a mobile toilet adjacent to my shack for the convenience of customers / tourists.

6. That I shall supply drinking water to the customers / tourists meeting FDA standards.

7. That in the event of any complaint received against me with documental proof of having any other business in operation, the permission granted for operation of Shack shall be surrendered by me.

8. That in the event of allotment of shack in my favour, no foreigner shall be permitted to work in shack without work visa and that in case of violation of the terms and conditions, the permission shall be cancelled.

9. That I have not been convicted of any criminal offence as of date of application.

10. That I agree to accept the location that will be allotted to me by Department of Tourism based on the site plan and / or as per the site condition and shall erect the shack at the allotted / demarcated site only. I am aware that in case of violation of the **"Terms & Conditions"**, the permission shall be cancelled and the fee paid shall be forfeited to Government Treasury and the shack shall be demolished at my risk and cost.

11. That I agree to assist the lifeguards on duty for safety of lives as and when required.

(28)

12. That I agree to assist Department of Tourism and the Police or NCB in reporting suspicious activities along the beaches such as pedophilia, peddlers in banned substances.

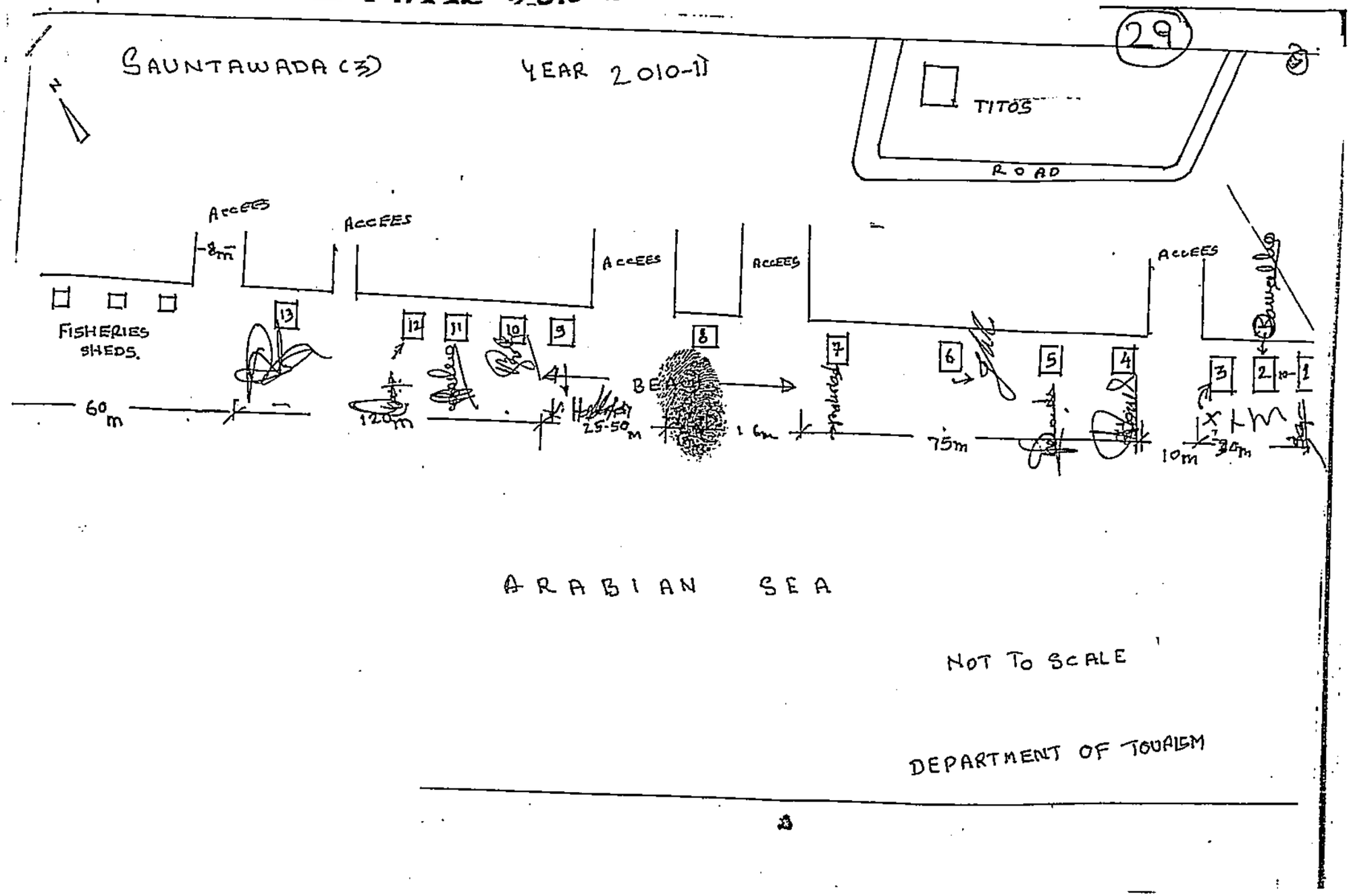
13. That I agree to prevent activities such as of the lamanis, beggars, masseurs, touts, hawkers etc. from and around the Shack, if allotted.

14. That I am fully aware of my responsibilities towards keeping the environment clean and hygienic and free from all kinds of pollution.

15. That I am aware of the Anti Smoking and Spitting law inforce in Goa.

16. That I am aware that in case any information submitted by me as above is found to be incorrect, the permission granted to me shall be cancelled and the permission fee paid shall be forfeited to the Government Treasury.

DEPONENT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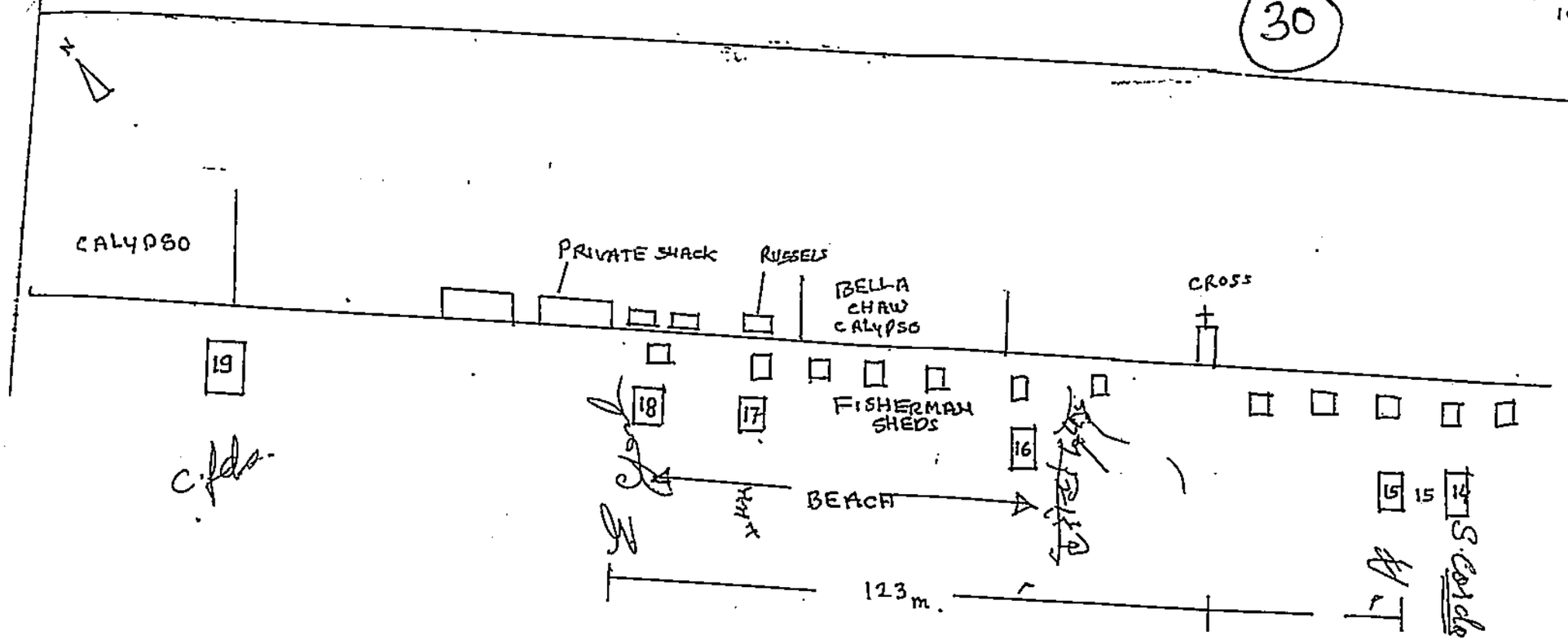
ARABIAN SEA
NOT TO SCALE
DEPARTMENT OF TOURISM

SAUNTAWADO (2) YEAR 2010-11

30



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SAUNTAWADO (1) YEAR 2010-11

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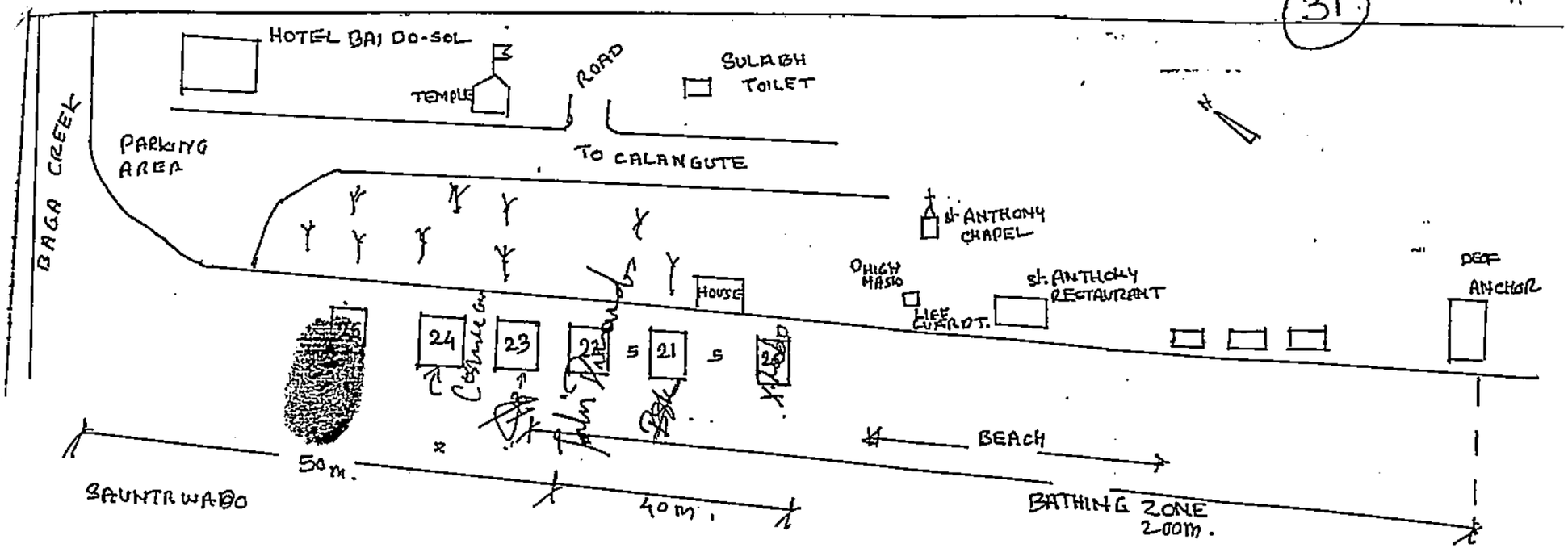

ARABIAN SEA

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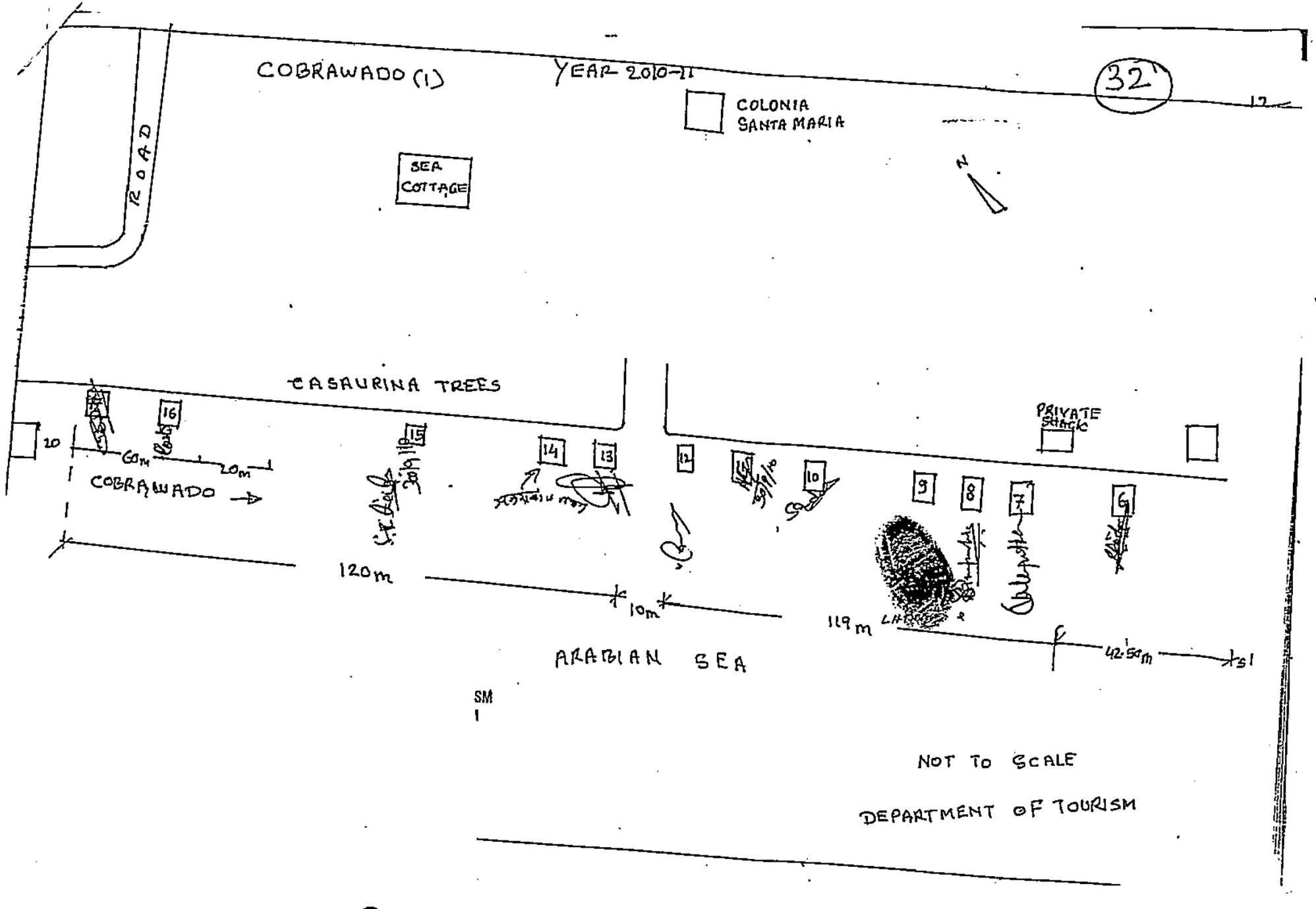
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YEAR 2010-11
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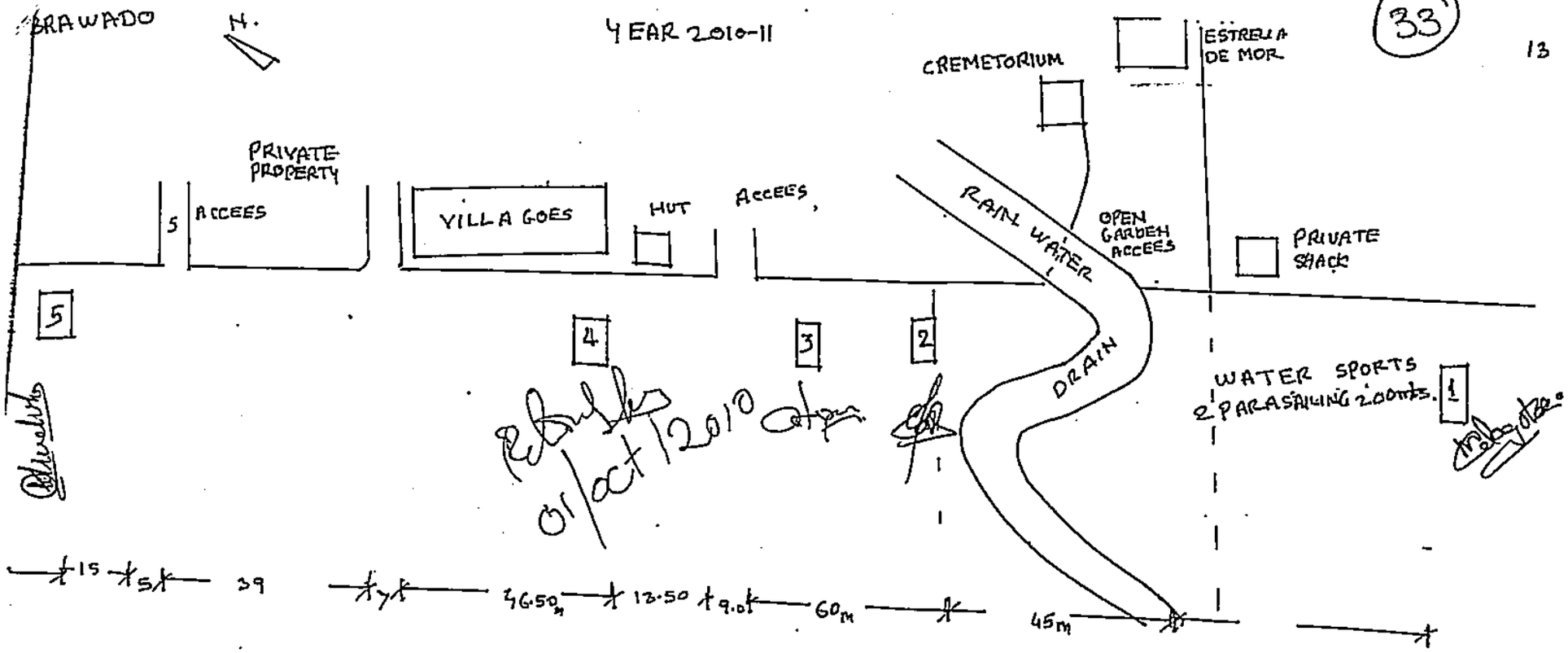
DEPARTMENT OF TOURISM

YEAR 2010-11



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ARABIAN SEA

NOT TO SCALE

DEPARTMENT OF TOURISM

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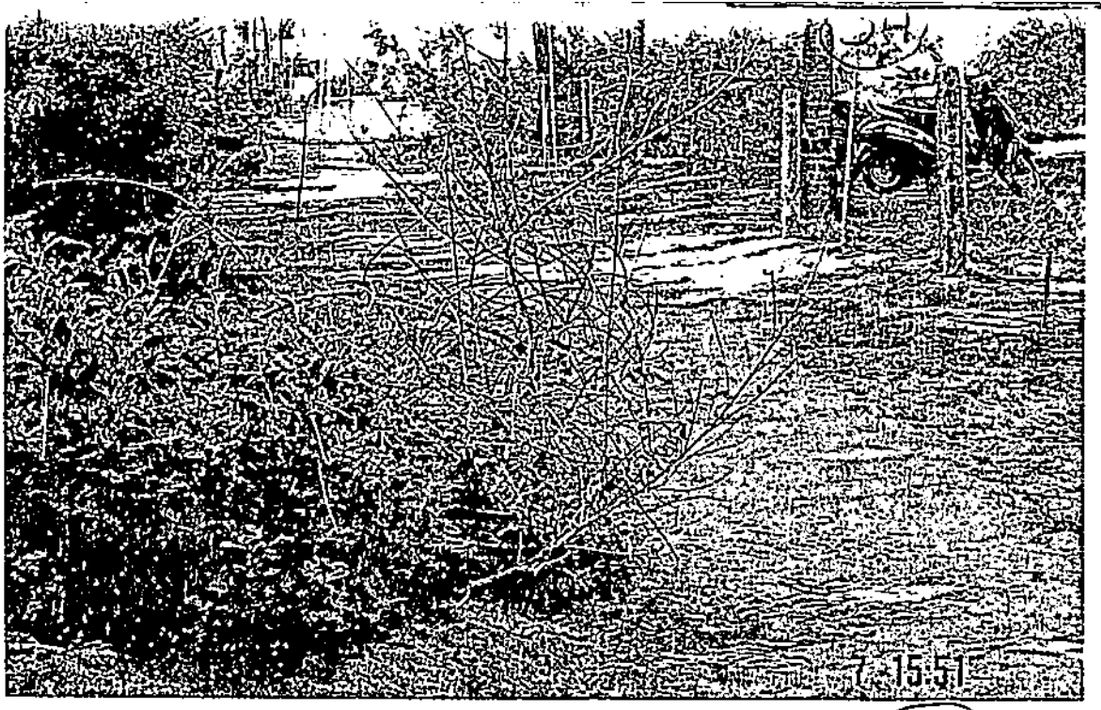

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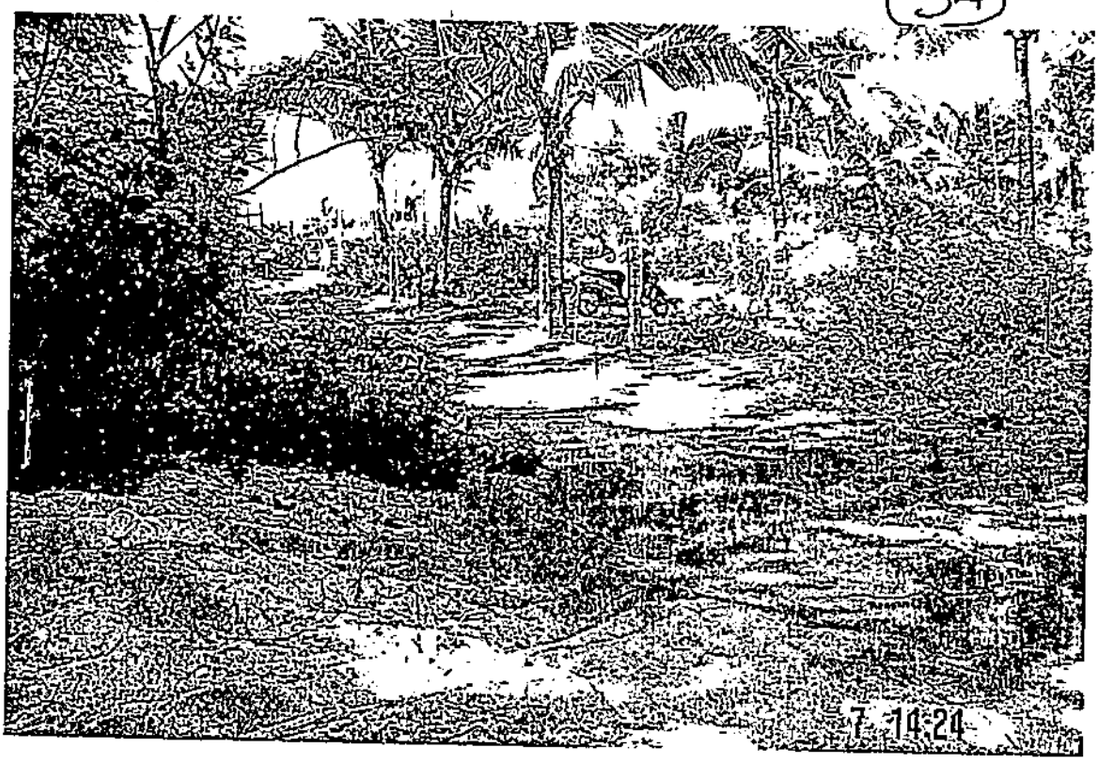

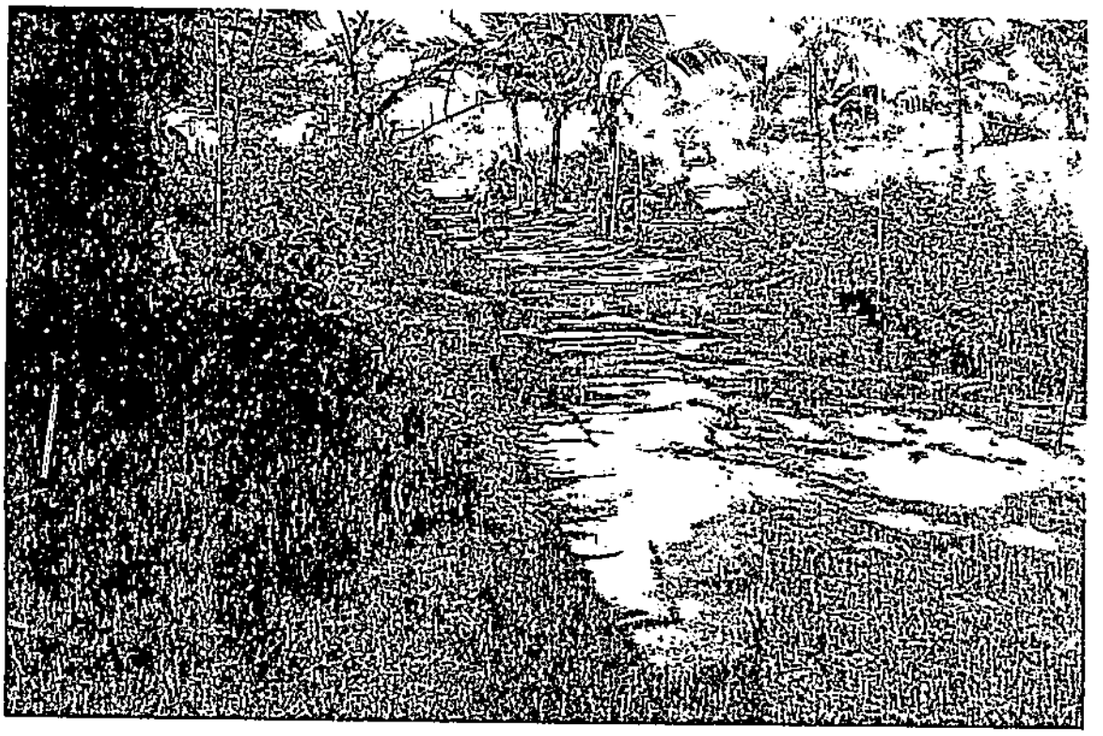

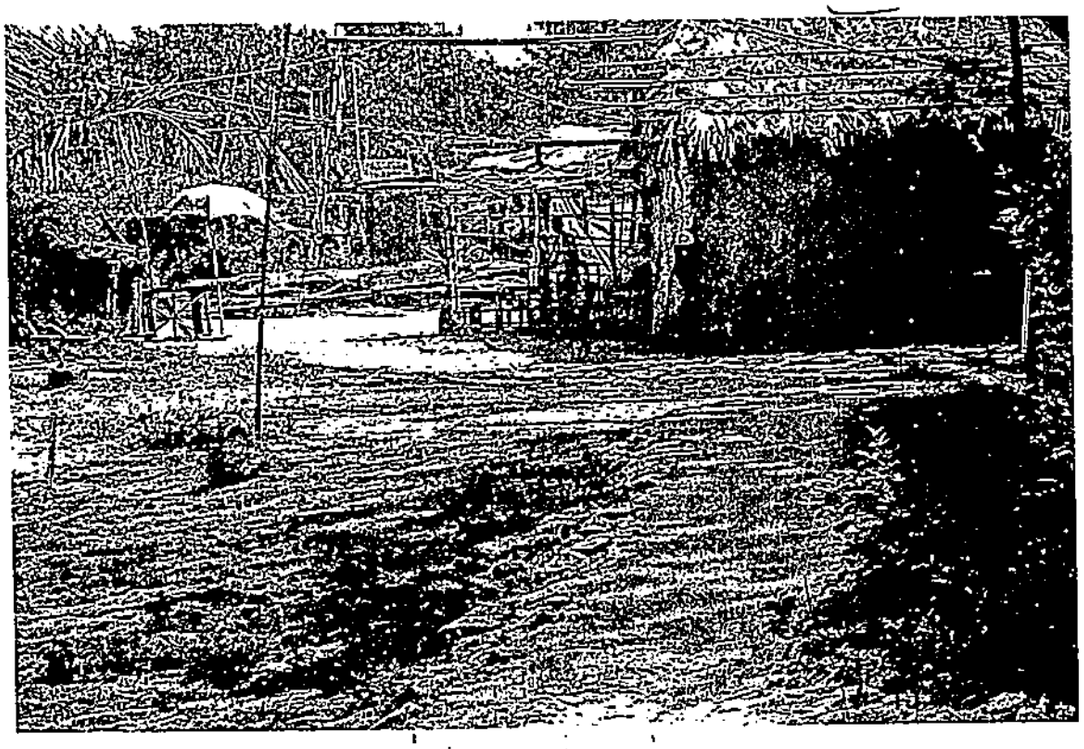

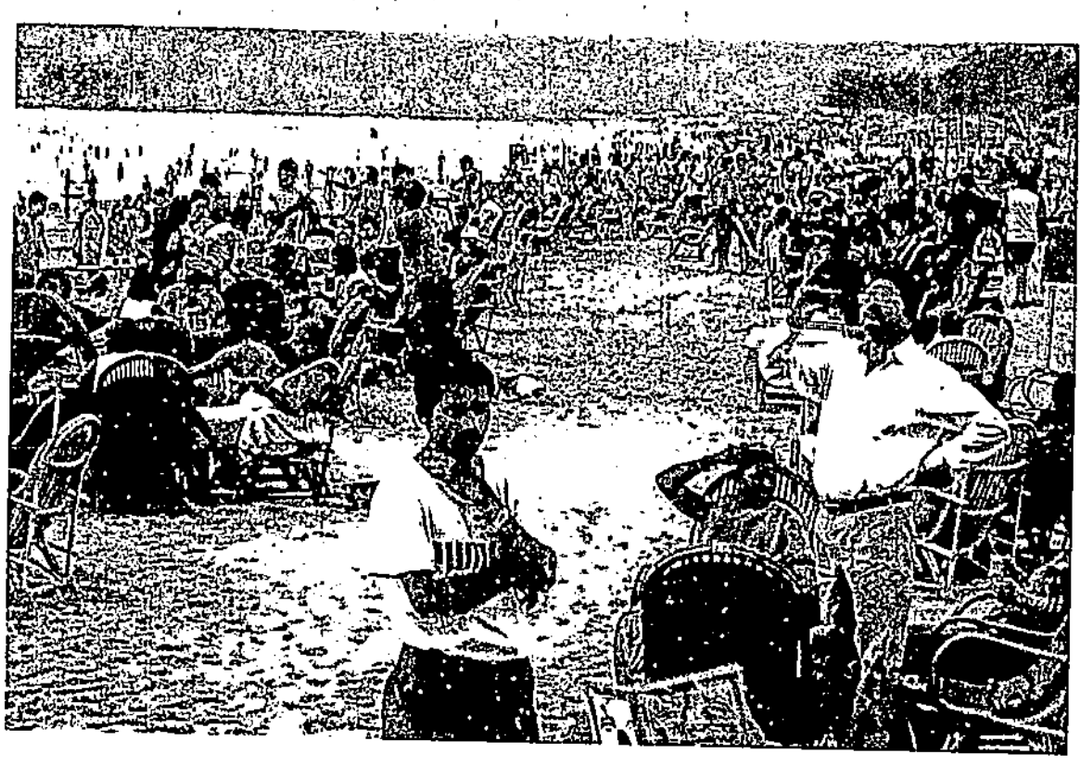

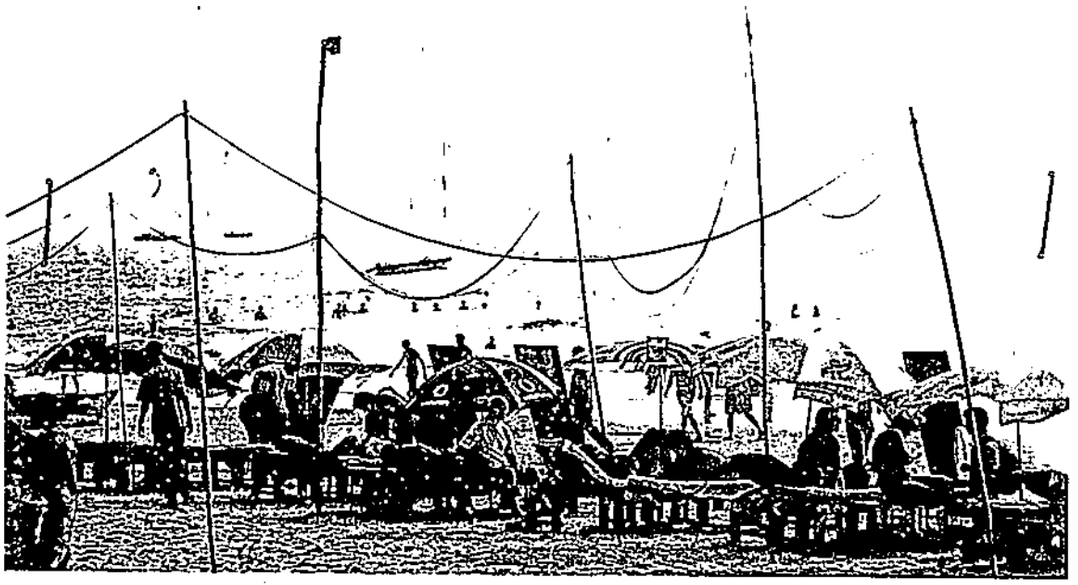

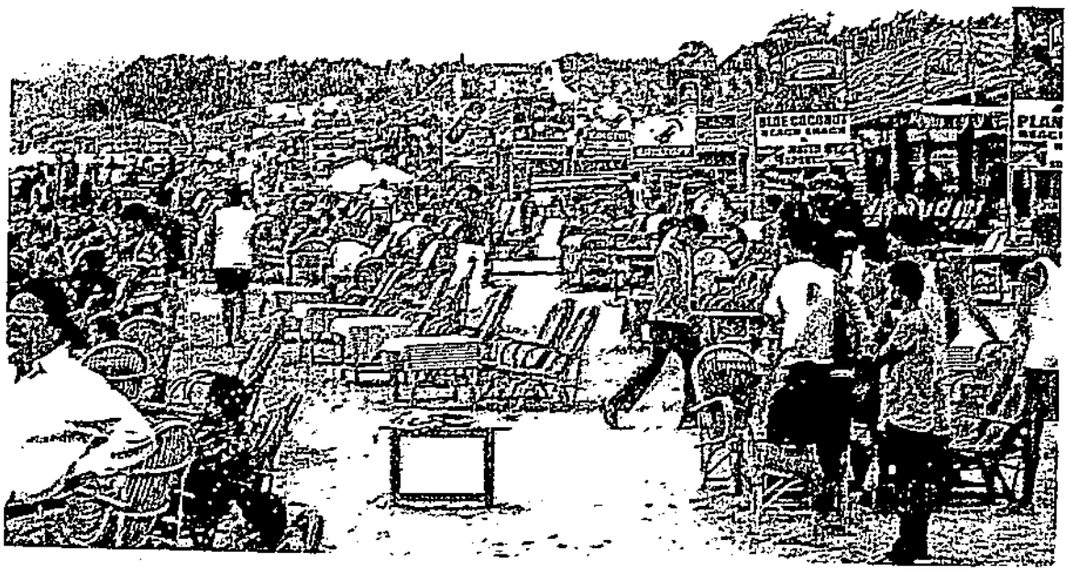

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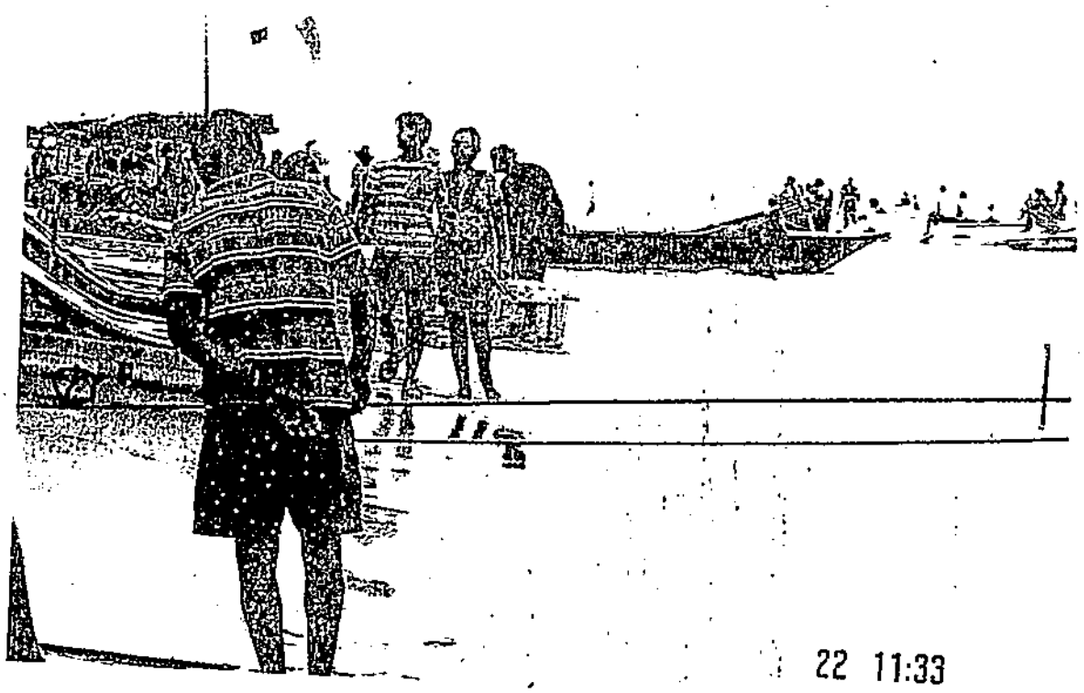

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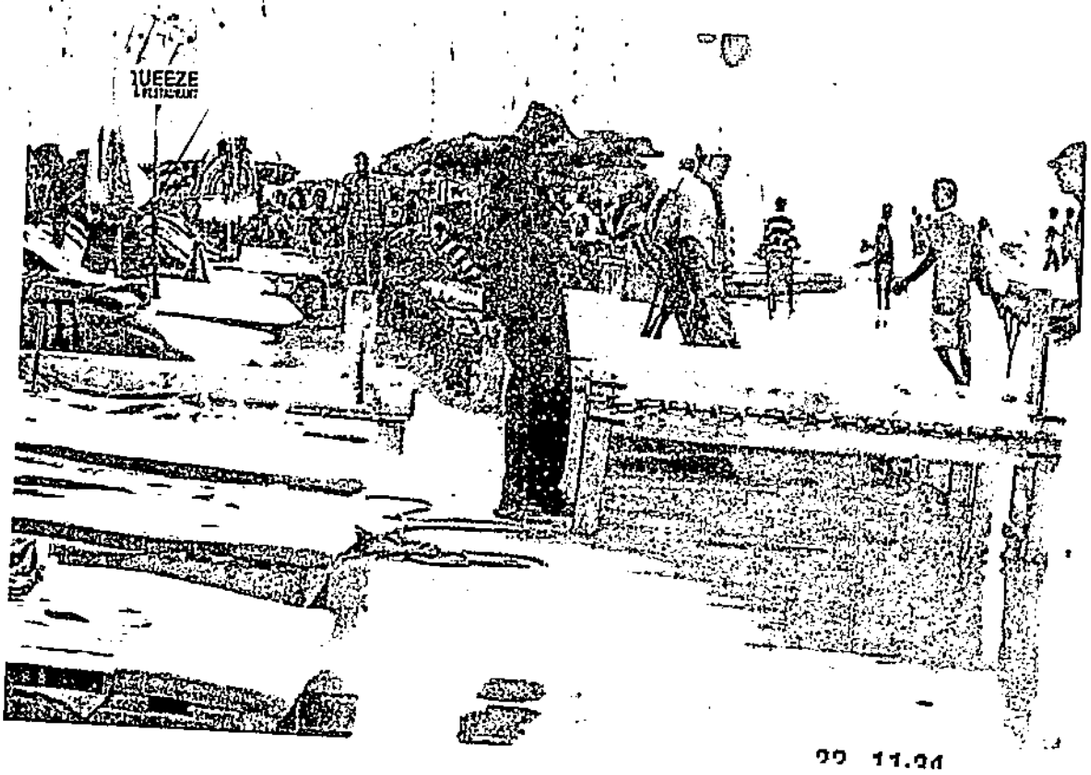
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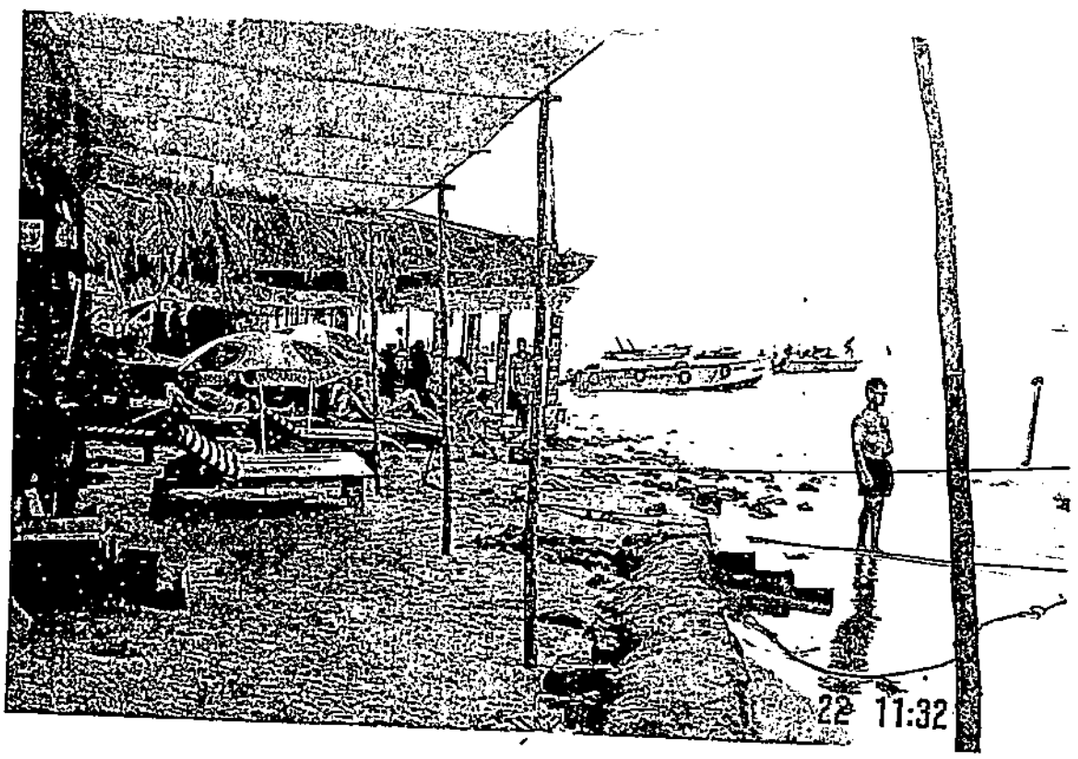
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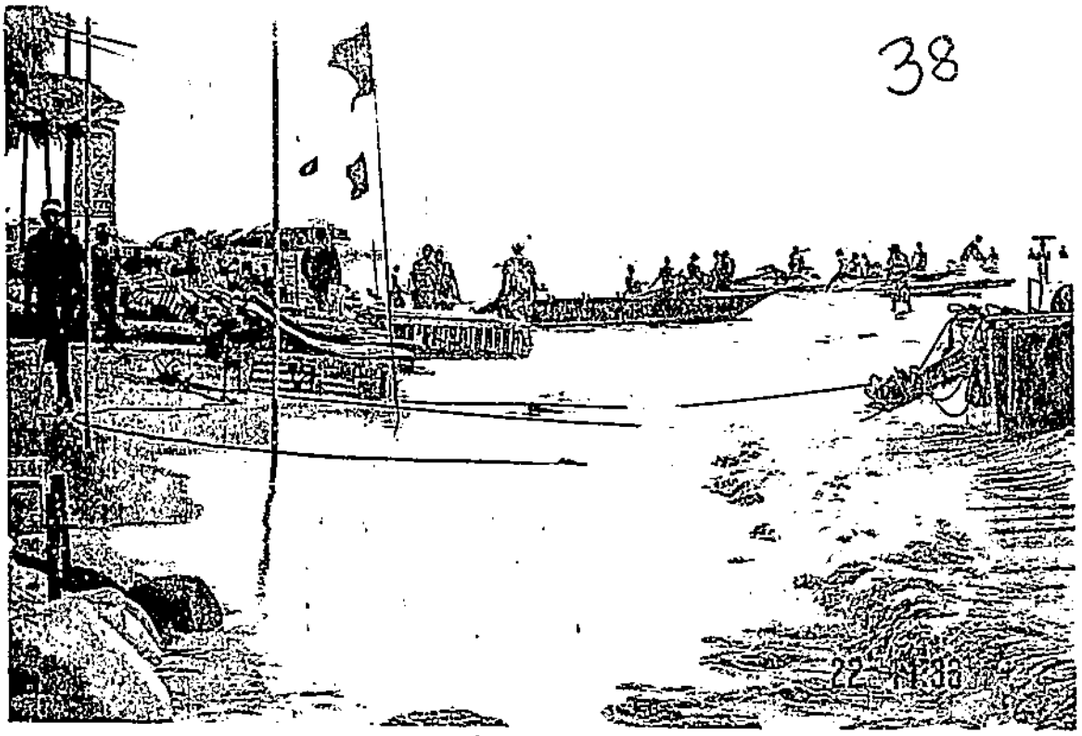

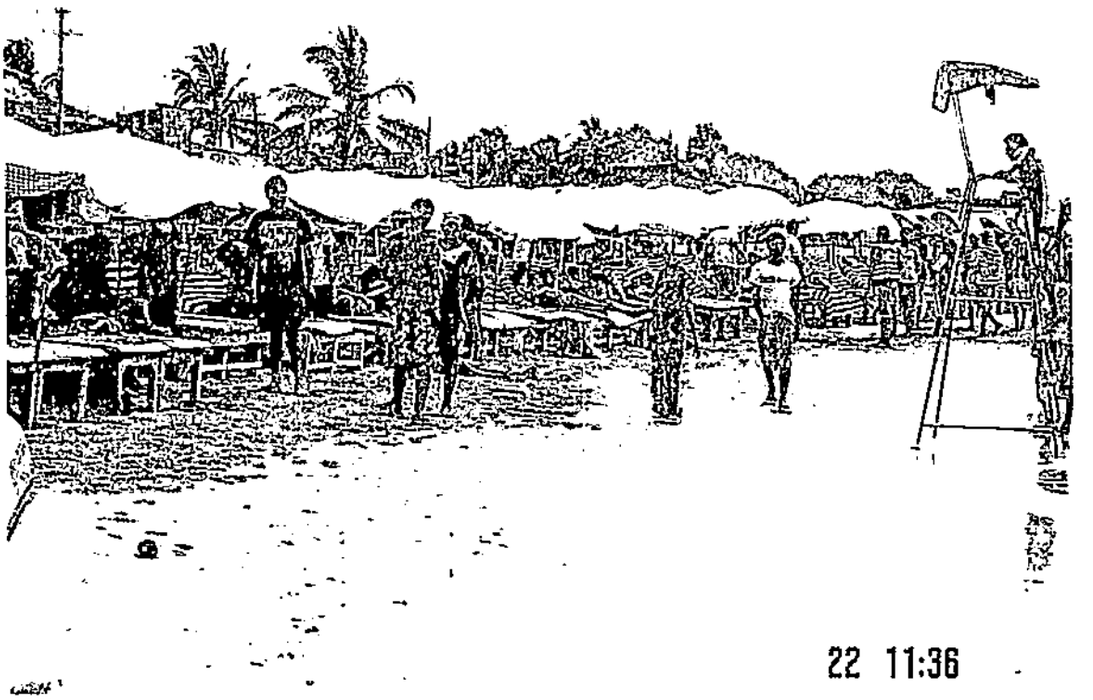

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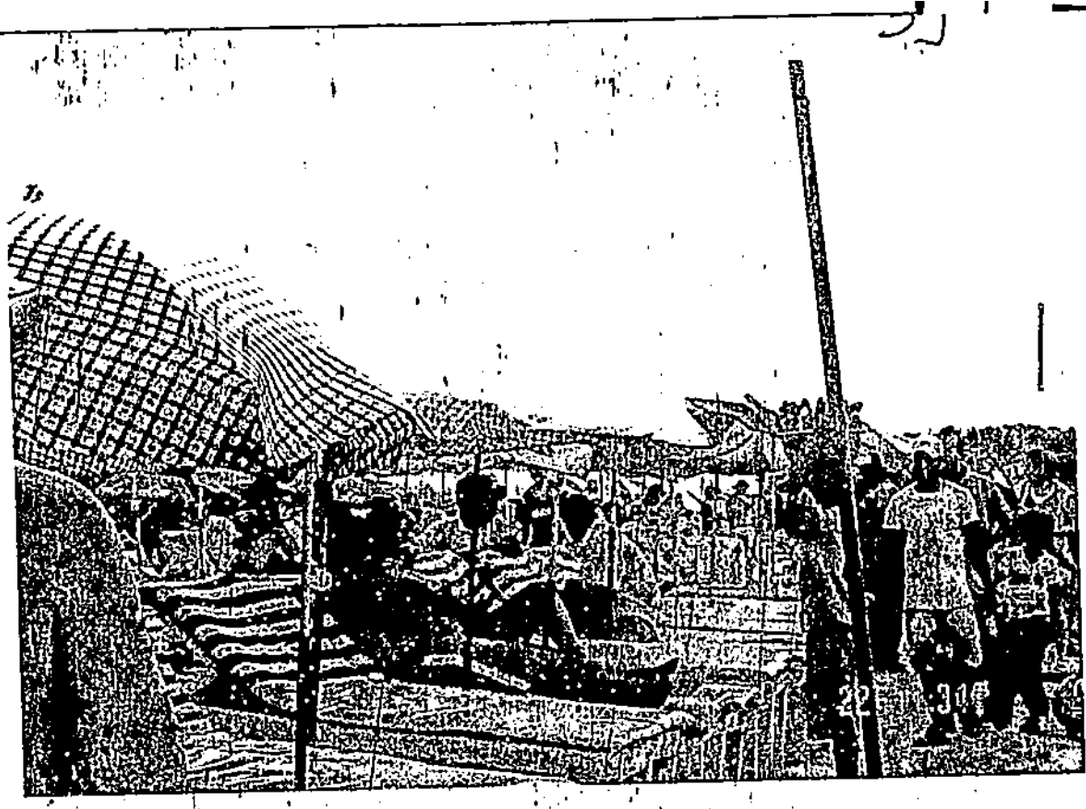

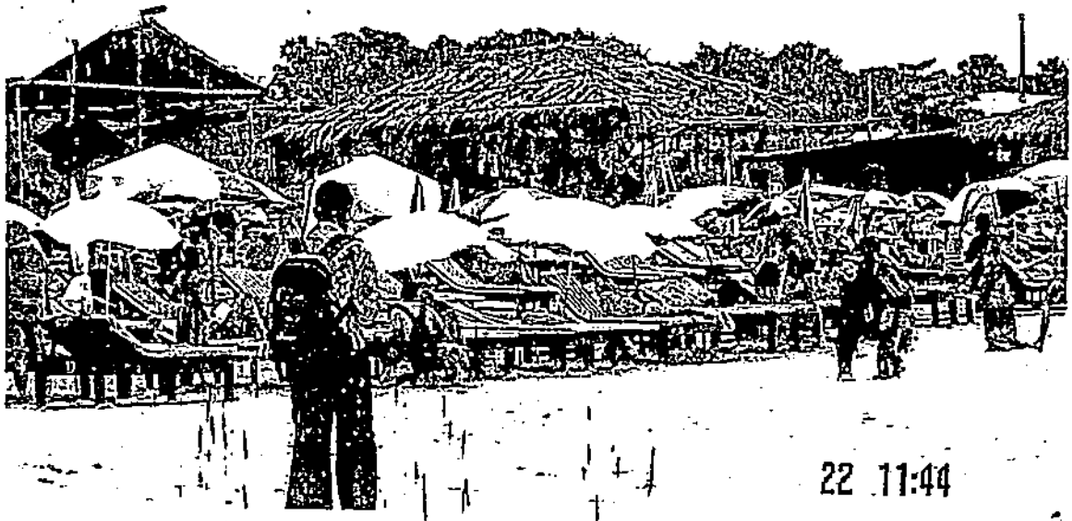

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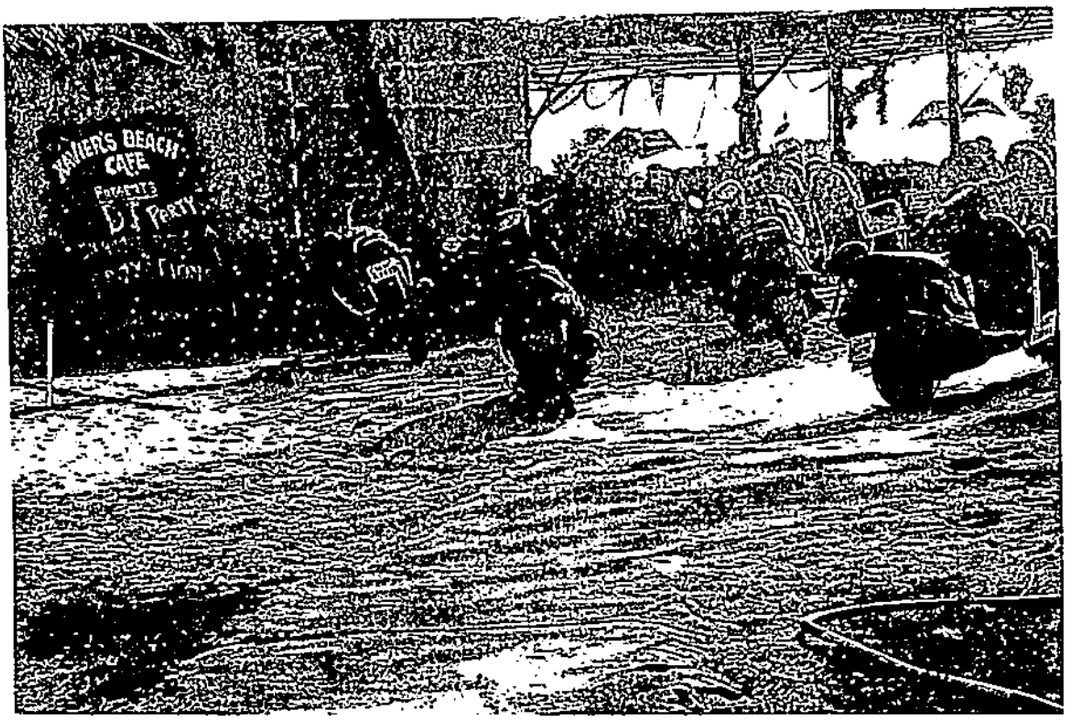

XAVIER'S BEACH CAFE
DJ Party

Guv petitioned against illegal beach beds

HERALD REPORTER
PANJIM, NOV 22

Beach shack owners and hoteliers are back to their tricks of putting more deck beds and beach umbrellas than what is permitted.

And since the tourism department, despite being aware of the fact that illegal deck beds are put up along most of the popular beaches, has done noting to curb it, complaints have now reached the governor.

Four residents of Baga have petitioned the Governor S S Sidhu complaining about encroachment on Baga-Calangute beach stretch by hoteliers, water sports operators and shacks by putting up more deck beds than permitted.

In their letter to Governor dated October 7 , 2010, one Simon D'Souza and three others have alleged that most of the hoteliers, water sports operators and shacks have put up 50-70 decks beds thereby encroaching on the beach with the blessing of the tourism officials. The tourism department despite being aware of has taken no action against them.

When contacted, Director of Tourism Swapnil Naik, conceding the fact, said that the department was preparing to have a drive to remove all illegal encroachments on the beaches. "We will shortly have a drive to remove all encroachments," he said.

Their task becomes difficult as they have to rely on police for the drive.

Nevertheless, the department appears seized of the matter.

The department's special force comprising of ex-service men will soon go on the field and it will help them to keep check on the miscreants, Naik added.

He said last year the department had seized about 70 deck beds which were illegally put up and also licences of three shack owners were cancelled.

However, he said the moment demolition squad reaches the beach — all illegal deck beds are removed immediately. "The moment we reach there the message is passed on to other shack owners as a result we are not able to nab many," he lamented.

But department is expecting to have better control this season as it's special force will be deployed soon and they need not reply on police.

Special force: The first batch of tourism security force comprising 35 ex-service will begin their five days training on November 29 before they are deployed at various beaches and at tourist spots. The department has selected sixty people whereas at later stage even locals will be inducted, said the tourism director.

Organi in meet

HERALD REPORTER
MARGAO, NOV 22

There was nothing politics at the public meeting organized by the National Highway Diversion Action Committee at the Lohia Maidan, Margao on Monday, the organizers may say.

But, may an eyebrow was raised over the presence of BJP leaders Manohar Parrikar and Govind Parvatkar, MLA Mickky Pacheco, Radharao Gracias on the dais. And the question of realignment of political forces gained ground when UGDP Leader Radharao Gracias urged Parrikar to drop the BJP ideology to get the backing of Christian and Muslim communities to defeat the Congress.

And, the UGDP leader gave an open invitation to the PWD Minister, Churchill Alemao to come out of the Congress and join with Parrikar and Pacheco for the good of Goans. "No

NIA opposes bail to Margao blast accused

HERALD REPORTER
MARGAO, NOV 22

The National Investigating Agency (NIA) on Monday opposed the bail application filed by accused Prashant Juvekar in the Margao bomb blast case.

In a reply to the bail plea, the NIA firmly opposed the application filed by the accused, saying the offense in which the accused is involved is serious in nature.

ON the contention of the accused that he is entitled for bail as he has been in custody for 90 days now, the NIA has submitted that the Agency has filed an application in the court seeking extension of the custody of the accused in the case. The bail plea will come up for arguments in the court next week.

St Xavier litany

The annual prayers/litany of

Quepem tense as villagers confront mining company

HERALD CORRESPONDENT
QUEPEM, NOV 22

Tension gripped Cavrem-Quepem on Monday morning, after about 150 villagers gathered at a mining company over non-compliance with assurances by the mine management to the Pollution Control Board.

Residents of Cavrem have claimed that a mine at Cavrem-Quepem is operating without permission from the Pollution Control Broad (PCB).

Presently, the hearing in respect of the mine is, under process before PCB.

It is learnt that at the hearing on November 19, 2010, the management of the mine had assured the PCB officials that they will not start the motor to pump water, will not start the plant and will use machinery only to make road and put the rejection dump in order. However, the villagers claimed that in violation of the assurances given to the PCB, the management operated the mine and pump water.

Irked with non-compliance of assurances given to PCB, about 150 villagers had gathered at the mine gate to highlight the issue on Monday at about 7 am.

In the meantime, Quepem police headed by PSI Rahul Damsheker rushed to the site to maintain law and order.

The villagers remained outside the gate till 1 pm, after which they dispersed. No untoward incident was reported. However, Cavrem seems to be tense due to the operation of the mine. The villagers are determined not to allow the mine to operate.

RTA chief inspects Margao KTC bus stand

HERALD REPORTER
MARGAO, NOV 22

Chairman of RTA, Margao Johnson Fernandes inspected the KTC bus stand on Monday along with the owners of short distance route buses to identify

Johnson told newsmen that the short distance buses which have been diverted via Ana Fonte will be provided with a suitable stand at the KTC bus stand.

General secretary of the All

the future course of action, but said a delegation of the bus owners will again call on the Chief Minister with their grievances.

"Gross injustice has been done to the short distance bus owners. We have already met

10th Dec 2009
Herald

42

HERALD GOA
GOA THURSDAY 10 DECEMBER 2009

Letter raises concern over beach commercialisation

Court asks Govt to reply within 6 weeks

HERALD REPORTER
PANJIM, DEC 9

Have the beaches of Goa been overexploited by allowing permission to install shacks, deck beds and beach umbrellas there? And, can the public property be utilized for commercial use?

Responding to a letter written by a resident of Nagoa village in Bardez taluka, J W D'Souza, the Bombay High Court at Goa on Wednesday expressed the need to examine if it is proper to commercially exploit a beach and the beach shack policy of the government.

Referring to the issue raised by the letter writer, a Division Bench of Justice V K Tahilramani and Justice N A Britto said, beach is a public property and has to be determined if it can be commercially exploited and asked the State Government to file its response within six weeks.

Adv Norma Alvares has been asked to assist the Court in the capacity as amicus curiae. Adv Alvares was also amicus curiae in another petition wherein High Court had issued several directions to the tourism department to ensure shack owners do not put up deck beds and beach umbrellas in excess of what is permitted to them. And they do deny the general public an access to beach and hamper their movements by installing deck beds and beach umbrellas, was highlighted in the petition.

The Tourism department was also asked to consult Goa State Coastal Management Authority (GCZMA) before finalizing the number of shacks to be allotted.

D'Souza in his letter to the High Court has complained that shack owners blatantly defy restrictions imposed by tourism department while allowing permission to put up shacks. And the increase in number of shacks along the beaches of Candolim and Calangute will further worsen the situation, he said.

Producing photos showing existence of shacks for tourist season of 2008-09, the letter writer pointed out how two beaches looked cluttered with beach shacks, deck beds and beach umbrellas, mostly installed in excess of, what is permitted by the department.

Even though sometimes department conducts a drive and confiscate excess deck beds and beach umbrellas, they are put up again the next day, he said.

The letter has also raised question about current beach shack policy of the government claiming that earlier policy (2008-09) was better.

The old policy curbed speculative trading of licences and restricted new entrants to bare minimum, he adds.

He has requested that number of shacks should not be increased as it would affect beach environment.

BJP MLAs 'joining' Cong figures in CM's meet with Sonia

HERALD REPORTER
PANJIM, DEC 9

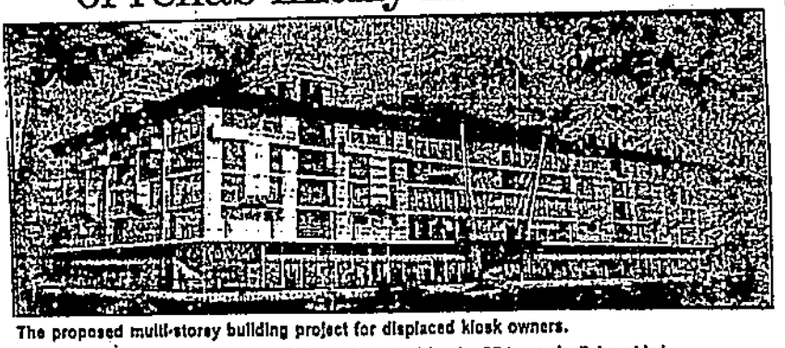
Goa leaders led by Chief Minister Digambar Kamat today called on Congress President Sonia Gandhi in New Delhi to wish her on her birthday.

Among the other leaders who were present included senior Congress leader and Speaker Pratapsing Rane, state party president Subhash Shirodkar, Home Minister Ravi Naik and Ministers for Health and Education, Vishwajeet Rane and Babush Monserrate respectively.

As per information reaching here from the national capital, some of them held discussions, with the central leaders on the "home coming" of Monserrate and Vishwajeet. Besides, the keen interest shown by 2-3 MLAs of the BJP in joining the Congress was also discussed.

According to a source, reports that another two had sent feelers to the Congress, also figured during the informal discussion.

Will kiosk owners' dreams of rehab finally materialise?



The proposed multi-storey building project for displaced kiosk owners.

HERALD REPORTER
MARGAO, DEC 9

Will the South Goa Planning and Development Authority (SGPDA) finally accord technical nod for the multi-storey building project to rehabilitate the city's kiosk owners – nearly a decade after they were displaced by the orders of the High Court.

When the building plan had come before the SGPDA at the technical queries raised by the PDA and has submitted a revised plan for the consideration of the Planning body.

"The matter will come up before the SGPDA meeting on Thursday. The Civic body earnestly hopes the plan would find favour with the PDA in the interest of all the displaced kiosk owners", he said.

A strong votary of the rehabilitation", he added.

The Fatorda MLA, who is a member of the PDA, had in the past opposed rehabilitation of the displaced kiosk owners at the Old market triangle.

"I am not opposed to the rehabilitation of the displaced owners. But, I had expressed my strong reservations to the rehabilitation of the displaced people at [illegible] market. Where is the pro- [illegible] in the area", he

Cat bit[e] rabies i[n]

FRANKY GRACIAS
PANJIM, DEC 9

In a rarest of rare case, Sumati (name changed), a 65-year-old woman, from Surla, Bicholim became a victim of rabies after she was accidentally bitten by a cat in her house. Sumati's is among the six cases of rabies reported so far since the beginning of the year.

Five of the six cases this yea were due to dog bites, while all six cases reported in 200 were on account of bites from canines.

Dr Wiseman Pinto, who ha been conducting a study for th last two years on rabies, con cludes, "Taking into consider tion that Goa reports 10,000 t 12,000 dog bites a year, the pre alence of rabies for which mo tality is close to 100 is very lo Very rarely people survive aft being bitten by a rabid dog."

Dr Pinto, however, expres es surprise at the case of Su mati, who died after she co tracted rabies after

19th Dec 2010
'Herald'

19/12/2010

the inflation in [illegible] way,' he said adding the [illegible] bar Kamat led government [illegible] provided all the possible [illegible] for the corporation [illegible] needs.

The corporation has [illegible] to add more products to [illegible] menu. Amonkar said that [illegible] new outlets will also sell [illegible] der leaves, garlic [illegible] and similar products at [illegible] than the market [illegible]

Sanjeev Dessai, Damian Gonsalves and Alvaro Pereira. The inaugural ceremony was followed by cultural programme.

Books made 'Fifty Years of Goa's Liberation' by the Government of Goa and 'Landmark of Goa's Liberations' published by [illegible] newspaper were released on the occasion.

Close to 1,000 students will participate in the Liberation Day celebration on December 19 to be held at Campal ground. The Chief Minister will unfurl the national Tricolour at 9:15 am followed by awards presentation and cultural events.

Water sports or killer activity?

HERALD REPORTER
PANJIM DEC 18

The death of a tourist on Saturday at Calangute in a water mishap off the beach brought back sad memories of a similar kind of incident in the first week of January 2006, also involving a Czech, who unlike the former survived but not without suffering 22 stitches to his head after a ski boat ran over him while he was swimming.

Ever since water sports has been introduced in Goa accidents have become a regular feature when the tourism season is at its peak or just attaining peak. Looking at the accidents since 2006 it appears the authorities have managed to do little or nothing to control the speeding boats from encroaching into areas meant for swimmers.

Saturday afternoon's unfortunate mishap may have been avoided if the authorities concerned had paid heed to two recent mishaps in November on a single day this year at Baga where a 43-year-old Finnish national was hurt after being hit by a dolphin trip boat while swimming and a parasailor injured.

Says General Secretary of the Shack Owners Welfare Society, John Lobo, "After the Baga incidents on November 21, I wrote to the Director of Tourism with copies to Tourism Minister and Captain of Ports warning them of further such incidents."

Lobo says the authorities have to regularise the business before more lives are lost and the beach attains a bad name for tourist deaths. There is an urgent need to push the water sports activity where it can be operated in a safer zone, he adds.

The replies by Captain of Ports James Braganza and Director of Tourism Swapnil Naik into the incident offer little hope of strict action against the erring water sports operators.

Naik says zones are clearly demarcated and there was a supervising authority. Guidelines were issued in 2006 and regularly revised, he adds.

However, the same has not been able to curtail the unfortunate mishaps, says Lobo, because these operators work on packages that bring in big money to the tune of lakhs of rupees per month.

CoP Braganza says as far as his department was concerned it looks after the fitness of the vessels operating in the waters and from time to time they carry out checks.

Forest dept begins 'tiger' probe

MAYEM, DEC 18(HC) – The suspected presence of a tiger in the hilly area of Anjunem dam, which comes under jurisdiction of Mhadei wild life sanctuary, has prompted Forest Department officials to conduct an investigation on Saturday. It may be recalled that [illegible]

Curchorem

HERALD CORRESPONDENT
CURCHOREM, DEC 18

Fully grown trees are being illegally cut near the railway bridge at Curchorem.

In a complaint, Venkatesh Pai from Madhegal-Curchorem told Curchorem Police that some 20 years ago, when he was the president and Minister Fernandes was the project manager of Jayesh International of Sanvordem-Curchorem, Gulmohar, Santol, Rani and other trees were planted on the sloppy portion of railway over bridge with the help of local school students to mark Vanamahotsava.

"The trees are being cut and transported without numbering or assessing and obtaining permission from the Forest Department which has been confirmed by RTI Quepem and Deputy Conservator of Forest Margao" states the complaint.

Pai has requested the police to stop illegal felling till the Forest Department takes appropriate steps to take action in the matter.

ONE YEAR WITH THE LORD
In loving memory of
TRUDY L. LOBO
There will be [illegible] Celebration for the [illegible] beloved [illegible] December 2010 at [illegible] St. Anns Church, Borim, Tivim. Followed by [illegible] and blessing of the grave offered by her sorrowful family.
Relatives & friends kindly assemble at this as the only intimation.

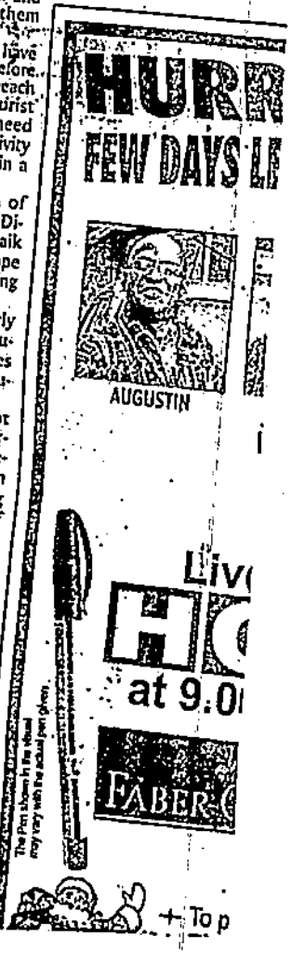
DEATH ANNIVERSARY

AVELINO RODRIGUES
(4 years)
Born : 24.01.1931
Died : 14.12.2006
&
GUMIANA REBELO
(1 year)
Born : 22.09.1933
Died : 20.12.2009
(Azurdem - Borim)
There will be an [illegible] celebration for the souls of Our Beloved Parents on Monday, 20th December, 2010 at 8.00 a.m. at [illegible] Xavier Church, Borim followed by [illegible] at the grave offered by their Sons [illegible] grand children.
Relatives & friends kindly assemble at this as the only intimation.

MONTH'S MIND

TIMOTHY D'SOUZA
(Sod - Vista, Bastora)
There will be a [illegible] Celebration for the soul of our beloved Timothy on Monday, 20th December, 2010 at 8.30 a.m. at St. Cajetan Church, Bastora, followed by blessing and prayers at the grave offered by his sorrowful wife, little & family.
Relatives and friends kindly assemble at this as the only intimation
Coffin Maker 2253029

MONTH'S MIND
In [illegible]



19th Dec 2010
Herald

19/12/2010

...ose also refuted claims that there are moves to join Congress if he is forced to resign or dropped from NCP.

"This is a ridiculous question and I know there are some people who want to spread these rumours for selfish gains," he said adding "I have full faith in the NCP high command it will not do injustice to anyone".

Land root cause of all woes

to draft a vision document 2035 has almost completed the work and the document would soon be placed before the people for a debate.

In his address, the Infosys Technologies director, Bangalore proposed to the chief minister to make Goa a knowledge centre by getting good schools and colleges in the field of engineering, medical, liberal arts, science etc. "The government should invite the best of 100 schools and colleges into Goa to impart the best of education to attract students from all over the country", he said, adding that this would help the Konkani speaking people to dominate the scene in the education front in the country. "Just like the Jews dominate the world, the Konkani speaking people should dominate India. We must make Goa a knowledge state which will be known globally for the intellectual capability of our people, known for scientific discoveries, art and culture, liberal political environment", he added.

Earlier, Oriya literateur Prof Prafulla Kumar Mohanty presented Sail with the award for his outstanding Konkani novel Hawthan. He was honoured with a citation, memento and cash prize of Rs 1 lakh in the presence of the chief minister and other dignitaries, including eminent economist Dr V A Pai Panandikar, Goa Konkani Academy President N Shivdas, Konkani Bhasha Mandal President Prashant Naik and others.

21-year-old dies

on Saturday afternoon.

Shrey Makhija (21) of Faridabad and a friend went for a boat ride sometime at about 3.30 pm.

While returning to the shore, their boat collided with another boat. Shrey and his friend were injured in the incident and Shrey later succumbed to injuries.

Calangute police later arrested the operators of the boat as well as the boat owner.

The three arrested have been identified as Anthony Thinock (boat owner), Appamauli Sulgar and Sanju Osumani (boat operators). Police Sub Inspector Mahesh Kerkar is investigating the case.

Incidentally, this is the fourth mishap involving water sports activities along the Calangute-Baga coast since October.

A 43-year-old Finnish national was injured after being hit by a dolphin trip boat at Baga beach on November 21. On the same day, a parasailor, Neeraj Vithalani, was injured at Baga beach.

Earlier on October 19, Ashish Dev, a 25-year-old tourist from Himachal Pradesh was injured after he was accidentally hit by a water sports boat at Calangute beach.

Singing contest at Sanguem

HERALD CORRESPONDENT
SANGUEM, DEC 18

Jai Kissan Sports and Cultural Club, Devgotimoll Dudhal, Kalay-Sanguem, will organise an All Goa Hindi Record Singing competition in the premises of Jhalmidev Temple, Dudhal Kalay, on December 26 from 9 am to 4.30 pm.

Cash prizes of Rs 3,000, Rs 2,000 and Rs 1,000 will be awarded to the first three winners.

For details, contact Harish Misal on 9823527574 or Vinay Gaonkar on 9764630992.

CLASSIFIEDS CONTINUED FROM PAGE IX

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...violence espoused by the Father of the nation will help resolve conflicts and problems plaguing the country and world.

She was speaking after launching Mahatma Gandhi's autobiography on "My Experiments with Truth" in Konkani at Ravindra Bhavan, Margao on Saturday.

Gokani said that Gandhiji's principles and ideals will make ...ography in Konkani ... language.

In his address, Chief Minister Digambar Kamat said that Goa's Liberation will be complete in the true sense only when the poor and the downtrodden feel they are liberated from poverty.

He hoped that the Konkani version of Gandiji's autobiography will benefit Goans and offered his government's full support to take the book to the ...nopoly of India. ...e, however, ...e is a risk of ...ma into an i... may find his thou... istic to be follow... life. Compliment... Kelekar for his wo... ing "My Experime... in Konkani langu... said "by translati... Konkani languag... given a gift to the

New craft on displa... at Boat Show

ALL AT SEA: Chief Secretary S.K Shrivastava, Tourism Secretary Dr M Modassir, Director o... Goa Brig S C Puri, Director of Aquasail Shakeel Kudroli, Marine Consultant Col Milind Pra... tor of Asia Pacific Boating Parveenita Sethi enjoy a boat ride during the Goa International Bo... rently on at Kala Academy.

HERALD NEWS DESK
PANJIM, DEC 18

The Goa International Marine and Boat Expo has seen dozens of people streaming in after it began at the Kala Academy on Friday 17 December. Chief Minister Digambar Kamat inaugurated the event along with Tourism and Ports Minister Nilkanth Harlankar, IDC Chairman Chandrakant Kavlekar, Dempo Group Chairman Shrinivas Dempo and Mormugao Port Trust (MPT) Chairman P Mara Pandiyan.

The four-day event, which will continue until Monday, December 20, features on-water display of India's first 40-ft sailing Leopard catamaran from South Africa, the Majesty 44 Motor Yacht, the Viking 57 Sports Fishing Yacht and a floating cottage by Arshea Marine Concepts. It is the first time the Battuta by Neil Marine has been displayed in India.

International brands on display include Acr Dock, Airberth, Arshea Marine Concepts, Aquarius Fibreglass, Bayliner, Chinkara Marine, Dan Fenders, Eclipse Kites, Edgewaker, Fairline, Ferretti, Feelfree Kayaks, Gill, Grand Soleil, Harris, Holt, Jeanneau, Kaiyan, Kawasaki... rine, Majesty, Mar... Marine, Mercury... Meridian Yachts, M... titech, Novurania, ... lynn Kites, Pra... Prestige, Princess, ... Craft, Sea Ray, Sea... Marine, Sea Se... Sealine, SS Marine... Viking Yachts, Walk... Wish and Yamaha... Marine consulta... Milind Prabhu sai... can give 10 times... earned from casino... tracting any of the...

Education system should produ... responsible citizens: Shantara...

HERALD REPORTER
MARGAO, DEC 18

Rajya Sabha MP Shantaram Naik has said that the education system of the country should be capable of producing students who can distinguish clearly between right and wrong and between good and evil.

Naik who was the chief guest ...olution is going to ... in the country in thi... ucation and added ... governments shou... their machinery to... the free and comp... cation Act.

The Rajya Sabha ... new model schoo... posed to be establi... and that al...

Warmly invited

22/12/2010

Electricity Department Executive Engineer Ulhas Kerkar said the project of laying underground electricity cable for entire Mapusa town, including Mapusa market costing Rs 100 crore has been submitted to the government for its approval and once the approval is received, the work will be started.

Mapusa Police Inspector Rajesh Kumar

The shopkeepers encourage the vendors and hawkers to operate in front of the shops," said Naik.

Mapusa Fire Station Officer In-charge D D Redkar said as per rules in force, it is compulsory for shopkeepers, who sell inflammable goods, to install fire extinguishers in their shops.

"Training regarding usage of fire extin-

shopkeepers have not insured their goods. I would recommend their cases to the government for compensation, but the matter will have to be followed by the Association with the government," said Redkar.

MMC Chairperson Sudhir Kandolkar said MMC will look into the possibility of offering some compensation to the shopkeepers through the municipal funds.

pollution levels and [illegible] cost-effective on diesel conversion." Furtado said adding that the corporation would be looking on state government for the financial support.

The MD said that CNG being an environmental friendly gas compared to the diesel and we

157 to Rs 247 which will be effective from December 1, 2010. "The proposal of regularization is pending with the government and will make sure to come to a conclusion by next month," Dhawalikar said.

KTCL, which has a fleet of around 397 buses, today in-

routes by next month.

The dark blue painted buses have an attractive exterior appeal and interiors too have a pleasant feel.

Two openings instead of one will make passengers' entry and exit much faster and hassle-free. The low floor 42 seat buses have General Pocket Radio Service

better infrastructure to our commuters," he said.

Dignitaries like KTCL director Anupam Kishore, transport director Arun Desai, Goa State Pollution Control Board chairman Simon D'Souza and Swami Brhameshanand, were also present during the function.

3 skywalks mooted to ease crossing in city

HERALD REPORTER
PANJIM, DEC 21

The Tourism Department has proposed three skywalks to ease the movement of pedestrians around the main bus stand area, here, even as it has felt the need to beautify the terminal itself to build the image of the capital city's entry point.

Director of Tourism Swapnil Naik said while the interior parts in the city are being beautified, the entry point to the city where the Kadamba Transport Corporation (KTC) bus stand is located gives a dismal look on account of the choc-a-bloc traffic during peak hours. As a result of this pedestrians find it difficult to walk and cross in the area, he stated.

Naik said a skywalk is an elevated walkway (usually enclosed) that will facilitate walking at ease for the pedestrians by keeping them away from the hustle and bustle of the traffic below. The project is at a nascent stage and a detailed project report is awaited, he informed.

As per the proposal the first skywalk will extend up to the area across the road from where inter State buses leave for different destinations. Also, the department proposes to beautify this area where these buses are parked.

The second skywalk proposed is from the Maruti Temple, situ-

Erring water sports operators will face action: tourism director

HERALD REPORTER
PANJIM, DEC 21

The water sports related death of a 21-year-old medical student in Baga may not have gone in vain altogether, as the Director of Tourism Swapnil Naik has now assured he would crack the whip against erring operators, henceforth.

The death had once again highlighted the money-raking activity needed to be strictly monitored, even as the authorities concerned have been caught napping when it came to keeping in check these thrilling, but deadly boat rides.

When Herald sought to know from the Director of Tourism Naik what action he would initiate after the mishap, he said their special security force will start cracking down on water sports operators encroaching in zones other than the ones meant for them.

However, he maintained it wasn't easy to nab these erring operators as they always stood united. One can see this from the fact that after Saturday's accident most operators in the area shut down their operations for two days, he mentioned.

He said, "They did not operate for two days making it difficult for police to identify the boat which caused the accident."

Naik said the problem is of overcrowding of water sports operators along the seven-kilometre Sinquerim-Baga stretch and 13-14 kilometres Utorda-Varca coast which is the main cause of accidents.

There are about 1,187 water sports operators in the State and majority of them are concentrated along the Sinquerim-Baga stretch in the North.

When contacted, Captain of Ports James Braganza said his department had stopped issuing fresh licenses for water sports two years ago. Secondly my department didn't have the manpower to check the boats. "In context to the Baga accident," Braganza reiterated, "the responsibility of my department was to the point of checking the condition of the vessels."

However, John Lobo, Secretary of Shack Owners Welfare Society, maintains Naik's assurance of cracking the whip a jabber. "The very next day after the accident the boat operators continued their operation in full swing. Before also there were serious accidents but nothing has happened. This talk of action is all rubbish," he chided.

Witnesses to the Baga accident said the boat rider was reckless and the same had resulted in the fatal accident causing the death of the medical student. Whether Tourism Department was really serious in cracking a whip will show in the action they take into this unfortunate mishap.

This X-Mas, hitch an expensive bus ride to Mumbai

HERALD REPORTER
PANJIM, DEC 21

Those travelling to Mumbai from Goa during Christmas eve may have to hitch an expensive ride with ticket prices expected to soar this week from Rs 350 to 600 for non-AC travel and from Rs 600 to Rs 1,200 for AC travel.

Like always, travel agents, operators etc, are cashing in on the season boom to rake in the extra money. Passengers buying a last minute ticket to step inside the coach from any destination in the State are shelling out double the original ticket price.

Information sought from one of the agents in the Patto

Rs 800 to Rs 1,000 or more during the last three days of the week, while non-AC will be in the range of Rs 400 to 800.

The argument offered by the bus operators for this steep rise is as usual simple. "Even the starred, big and small hotels are doing it during season time; why not us? Why should price regulation apply solely to us? This is always an opportunity for us to make up for losses incurred during the slack season."

Those travelling from Mumbai to Goa for Christmas are paying many times higher price than those boarding buses from this end. A travel agent based there informed those booking tickets for December 23 and

KRC to run special trains for Christmas

HERALD REPORTER
MARGAO, DEC 21

The Konkan Railway Corporation has decided to run special AC trains between CSTM-Madgaon-CSTM to clear the extra rush of passengers during Christmas festival/Winter season in coordination with the Central Railway.

Sr Manager, Public Relations, KRC Baban Ghatge said that Train No 01009 CSTM-Madgaon Special will leave CSTM at 20.30 hrs on December 24 and January 1, 2011 and reach Madgaon on the next day at 6.30 hrs.

Similarly, he said train No 01010 Madgaon-CSTM special will leave Madgaon at 21.30 hrs on December 26 and January 2, 2011 and reach CSTM on next day at 7.40 hrs.

Ghatge said both the trains

There is no drug mafia in Goa: Ravi

HERALD REPORTER
PANJIM, DEC 21

Snubbing allegations of Goa being major hub for narcotics, Home Minister Ravi Naik today claimed that 'there is no drug mafia in the State.'

Speaking to reporters after inaugurating a new barrack for Goa Reserve Police at Altinho, Naik said that the State has been cleansed of narcotics.

"I don't agree there is drug mafia in Goa. One can take a walk along Calangute, Baga, Anjuna and other places. You will not find the existence of drugs anywhere here," he said in the presence of Director General of Police Bhim Sain Bassi

The minister claimed to have personally patrolled the coastal stretch along with police officers to crack down on drugs trade. "We have intensified our anti-drugs operation in the coastline. We are personally ensuring that

"We don't allow the use of

along the coastal belt. We have

for locals, as many avoided vis-

Asks police to stand upto political pressure

HERALD REPORTER
PANJIM, DEC 21

Home Minister Ravi Naik has asked the Goa police not to succumb to political pressures, which are aiming at demoralizing the force.

Addressing police officers after inaugurating a new barrack for Goa Reserve Police (GRP) at Altinho today, Naik said that some people accused police officers in the State Legislative Assembly to demoralize them.

"Some people made unnecessary statements against the police department to demoralize the force. There is intense political interference in the department but the officers should ward off such influences," he said.

The Home Minister alleged that when police officers don't succumb to political pressures, there are further attempts to demoralize them. Naik was referring to the Assembly Session in August which had to be adjourned four times after the opposition demanded inquiry into the police-politician-drug mafia nexus.

"There are some people who are frustrated because the police have finished drug trade in the coastal belt. These allegations are only because supporters of drug trade cannot function with strict police vigilance," he said.

Naik inaugurated the GRP barrack facility for the police personnel that would solve the issue of night accommodation for the policemen on duty. The premise with a multipurpose hall accommodates 28 beds and respective cupboards. It covers an area of 11.24 sq mtrs costing a total amount of Rs 1.27 crores.

The minister said that Government should provide appropriate financial assistance to the police department as they play a major role in the governance and maintaining law and order.

"Goa Government should take better care of Goa police. The department has managed to solve maximum cases by adopting non-tolerant attitude towards criminals," he lauded the police in his inaugural speech.

Chief Minister Digambar Kamat recently announced financial assistance Rs one crore to Police Welfare Society on Goa's Liberation Day.

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and charged the Congress for filing the false case concerning overseas manpower when there was no complaint from the American Diplomatic Security

Congress have no business to say no to Pacheco's induction in the Ministry. "Mickky today is a force to reckon with. The Congress leaders are afraid of his growing popularity", she

While demanding justice for the Benaulim MLA, Betalbatim Sarpanch Minguel Pereira sought to know whether Mickky is the only tainted politician in the Goa Assembly.

to induct Pacheco in the Cabinet. Colva Sarpanch Angela Borges, Benaulim Sarpanch Carmelina Fernandes, Nuvem Sarpanch Antonio Barretto, social activist Zarina Da Cunha were present for the briefing.

25/12/2010.

to host X'mas, New Year parties on Santa Monica

REPORTER
4, DEC 24

opment Corporation
gala party on board
on the mid-night of
31.
Director Nikhil Desai
ity cruising in the
companied with live
grams.
more visitors at the

time of Christmas and New Year season. We have worked towards creating a wonderful experience for our visitors on board the Santa Monica boat so that they are able to spend a lovely evening with family and friends," Desai said.

Several visitors from across the globe, especially domestic guests flock the State during the month of December to celebrate Christmas and New Year in a big way. Branded as a party destination, tourism officials feel that the fresh initiative will boost tourism.

"Goa is a favourite holiday destination especially when it comes to Christmas and New Year. The State offers a variety of options to choose from the discerning visitor to Goa. The Christmas and New Year midnight cruises are a delightful way to spend an evening with close family and friends," Tourism Director Swapnil Naik said.

The added attraction will be cruising in River Mandovi beneath the twinkling stars on a cool December night.

The cruising will have live performances, fire works, dinner buffet with games and other contests to entertain children on-board. Beach parties, traditional dance balls, night clubs, gala dinners, cruising and other entertainment events are some of the appealing traits of Goa to woo tourists.

46

d for demanding
, murder attempt

SPONDENT
DEC 24

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day," he said.

On December 18, the three family members allegedly added Rattol poison in the chapati and gave it to her.

Sabina took seriously ill and was later rushed to Goa Medical College Hospital at Bambolim, where she is battling for life.

"We recorded her statement when she was fighting for her life the next day and she had told that her in-laws tried to kill her by adding poison in the chapati that she ate," said DySP D'Silva.

"As she was immediately shifted to the hospital she survived and the doctors were able to flush out the poison from her body."

Acting on the complaint, Bicholim police on Saturday arrested Sabina's mother-in-law, Fatima Shekh Ali, sister-in-law, Shakila Shekh, and brother-in-law, Husain Shekh under Section 307 for attempt to murder, 498 rw (34) IPC for harassment and dowry case. Bicholim PI Harish Madkaikar is investigating.

Demarcate water sports zone, Tourism Dept told

HERALD REPORTER
PANJIM, DEC 24

Taking serious cognizance of the incident wherein a Delhi-based medical student died in water sports activity at Baga, the Government has directed Tourism Department to demarcate 'water sports zone.'

"We have asked the Tourism Department to demarcate water sports zone at all beaches in assistance with Goa police. We have also cautioned water sports operators not to interfere at these points," Chief Secretary Sanjay Shrivastava told Herald.

Shrivastava said that the water sports operators are asked to compulsorily implement on the demarcations failing which action will be initiated. So also, flags showing swimming and non-swimming zones, safety and non-safety zones should be clearly put up.

> We have asked the Tourism Department to demarcate water sports zone at all beaches and have also cautioned water sports operators not to interfere at these points.
> – Chief Secretary

The decision was taken in a meeting with top level senior officials and bureaucrats after Shrey Makhija (21), a final year medical student at Delhi died due to injury as the jet-ski in which he was traveling dashed against a stationary boat, a week ago.

Shrey along with his friends was in Goa after answering his exams. They hired a boat at Baga and while returning back to the shore, the boat man allegedly took a rash and negligent turn and collided into a stationary boat. The impact of the collision was such that Shrey dashed against the stationary boat and fell in the water.

While he died on way to the hospital, one of his friends who also lost balance and fell in the water luckily survived.

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one such receding current and drifted to the beach. She panicked and called for help after which the lifeguard posted at the point rushed for her aid.

Later, three youth, Jashan Arora (24), Ravin Patel, (24) and Swapnil Kuber (24) of Mira Road in Bhayander-Mumbai were swimming with lifejackets at Baga beach when they began struggling in the sea and called for help.

Lifeguard Pratin Gaonkar called for a Jet Ski backup and swam across with a rescue tube. By the time, the lifeguard secured one of the youth, the Jet Ski reached the spot and secured the remaining two and dropped them to the shore one by one.

Passport officer files forgery complaint

THE TIMES OF INDIA, GOA
TUESDAY, JANUARY 11, 2011

47

Lives lost as water sports ungoverned

Proposal To Regulate Industry Gathers Dust

TIMES NEWS NETWORK

Panaji: A file to regulate the water sports industry in Goa is gathering dust for the past one year even as water sports accidents and related deaths continue to occur.

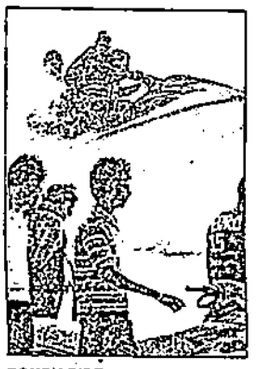
According to sources, the Goa Tourism Development Corporation (GTDC) had submitted a proposal to the state government that it would act as a nodal agency to regulate pricing of water sports activities as well as crack the whip on errant water sports operators who throw norms to the wind and endanger the lives of their customers as well as bathers.

"It is more than a year now that the file has been submitted to the law department. The law department advised that GTDC has no powers to levy fines on water sports operators and that can be done only by the tourism department," sources told TOI.

"Accordingly, the proposal was amended giving GTDC powers to observe the water sports industry and pass on its recommendation and information to the tourism department for it to initiate action. The file, however, has been gathering dust for over a year," sources said.

When contacted, tourism minister Nilkanth Halarnkar said he was aware of the existence of such a file, however, he did not know its details.

"The tourism director has been very busy these days, and I need to speak to him about it. We will try and have a meeting on this, at least in the next week," he said.



ROUGH RIDE

TOI had reported in October 2009, that GTDC had proposed it would print tickets for all water sports activities in Goa, and these would be issued at specially erected kiosks on the beaches.

GTDC had even floated a tender for putting up the kiosks and had intended on earning a 10% commission on every ticket sold.

"This policy would also have representatives from the tourism department and the captain of ports. Water sports operators would have to adhere to a queue system and safety norms.

The queue system would ensure that any illegal operator would have been caught immediately, or any operator flouting norms would be put out of the queue.

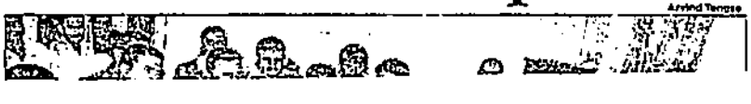
The queue system would also take care of tourists who are now harassed by touts and water sports operators, while also putting an end to undercutting of ticket prices, affecting others in the business," sources said.

Past mishaps on the seas

- **December 14, 2010:** Shrey Makhija, a student at Maulana Azad Medical College, New Delhi, died when the motorboat, he was sitting in, collided with a stationary boat at Baga
- **November 22, 2010:** A Finnish tourist was hit whilst bathing by a dolphin trip boat at Baga beach. He suffered a deep cut on his forehead
- **November 22, 2010:** Indian tourist Niraj Vithalani, suffered primary and secondary burn injuries when his parasail entwined with another parasail in mid-air at Baga beach
- **April 11, 2010:** Mumbai advertising professional Natalia Saldanha fell from a height of 200 metres at Cavelossim beach when both safety hooks of her parasail snapped. She suffered grievous injuries
- **January 10, 2008:** Ankit Kumar, an engineering student from Bangalore lost 80% of his eyesight after the rope that secured his parasail to the motorboat snapped. Like a recoil action of a stretched rubber band, the rope zipped upward and lashed him on the face. Kumar blacked out and fell into the sea off Calangute beach

Ruckus at Hospicio over death of cop's wife

Arvind Tengse



IN THE HIGH COURT OF BOMBAY, AT GOA

Writ Petition No. 167/2007

Britto Amusements Pvt. Ltd. ..... Petitioner

V/s.

State of Goa & Anr. ..... Respondents

INDEX

Sr. No.	Particulars	Exhibits	Page Nos.
1.	Affidavit		326 - 348
2.	Copy of the Order dated 01/05/2007	R-1	349 - 352
3.	Copy of the Bid with all terms & condition	R-2	353 - 369
4.	Copy of policy for the tourist season 2010-11	R-3	370 - 377A
5.	Copy of list showing the various beaches where the demarcation work is completed by the above	R-4	378 - 380
6.	Copy of the Act	R-5	381 - 389
7.	Copy of the affidavit dated 29/06/2011 & Order dated 30.06.2011.	R-6	390-393
8.	Copy of the Gazette Notification dated 23/6/2003	R-7	394-395

Place: Panaji-Goa
Date: ___/09/2011

Adv. for the Respondents

IN THE HIGH COURT OF BOMBAY, AT GOA

Writ Petition No. 167/2007

Britto Amusements Pvt. Ltd. ..... Petitioner

V/S

State of Goa & Anr. ..... Respondents

AFFIDAVIT

I, Shri Swapnil M. Naik, The Director of Tourism, State of Goa, of major age, Indian National, having office Opposite Hotel Nova Goa, Panaji-Goa, do on solemn affirmation state and submit as under:-

1. I say that vide Order dated 16.02.2010, this Hon'ble court had directed the State to file an affidavit in response to the eight issues raised for consideration by the Amicus Curie viz:

   i) Whether the beach, which is a public property, covered under the Public Trust Doctrine, can be exploited by the Government for commercial purposes and beach spaces privatized even if it is for short or seasonal periods;

   ii) Whether the Government's policy for permitting shacks and deckbeds on the beaches ensures that the public nevertheless has unrestricted access to the beaches and that the number of shacks does not lead to over exploitation or exceeds the carrying capacity of particular beaches;

   iii) Whether some beaches which do not have shacks and beachbeds at the present time ought not to be kept

permanently free of shacks and beds or any other similar sort of privatization;

iv) Whether the Government has set up adequate infrastructure to ensure:

i) General cleanliness of the beaches;

ii) Garbage disposal from beach shacks;

iii) Civic amenities (toilets) for the public/shack staff;

v) Whether the Government has any means of ensuring that its policy/permissions for shacks/deckbeds is strictly adhered to and the actions it proposes to take in case of violations. For example, how does the Government propose to monitor the beach so that illegal shacks, additional deckbeds, burning/burial of garbage by shacks are nipped in the bud?

vi) Whether water sports activities are regulated to ensure safety of the public, their fees/charges are approved and listed and conflicts with other users (example, fisherfolk) are avoided;

vii) Whether the Government has set up any infrastructure to enable the public to peacefully enjoy the beaches and in particular measures to ensure safety of women and children; and

viii) Whether the Government has made adequate arrangements to ensure safety of the public who enter the sea for swimming/bathing.

Issue No.1 & 2 are dealt together

ISSUE NO.1

Whether the beach, which is a public property, covered under the Public Trust Doctrine, can be exploited by the Government for commercial purposes and beach spaces privatized even if it is for short or seasonal periods.

ISSUE NO.2

Whether the Government's policy for permitting shacks and deckbeds on the beaches ensures that the public nevertheless has unrestricted access to the beaches and that the number of shacks does not lead to over exploitation or exceeds the carrying capacity of particular beaches

For the sake of convenience the first and the second issues are answered together.

2. I say that Goa is endowed with number of pristine beaches which attract tourists from all over the world. Over a period of time, the local fishing community ventured into catering to the needs of the tourists by erecting small thatched structures on the beaches where they would sell snacks, cold drinks, tea etc. which served as a supplementary income to them in addition to their fishing trade. With the passage of time and as the popularity of Goa as a tourist

destination increased, more and more such shacks started surfacing along the beaches.

3. The Department of Tourism had been granting permissions for shacks on various beaches of Goa since last 10 years. Initially, these permissions were being granted based on the recommendations of elected representatives such as M.L.A.s, Sarpanchas and after obtaining No Objection Certificates from the concerned Panchayat.

4. I say that until the tourist season 1996-97 there were no definite guidelines governing the grant of permission for Shacks on various beaches, and such permissions used to be normally granted in consultation with the elected representatives such as MLAs and Sarpanchas and even Ministers. One Shri Cruz Cardozo from Cavelossim who was denied permission for a Shack on Cavelossim-Mobor beach, filed Writ Petition bearing No.492/1996 before this Hon'ble Court. During the course of the hearing, this Hon'ble Court questioned the Government policy on allotment of Shacks on beaches. It was at this stage a reply was filed on behalf of the Government explaining the reasons for refusal to grant permission to Shri Cardozo to erect the Shack on the ground that only 25 permissions were granted in consultation with the elected representatives of the area as they were in best position to determine the most deserving cases amongst them. This Hon'ble Court totally disapproved of this method of sanctioning the shacks merely in consultation with the

elected representatives of the area and advised the Government to frame definite guidelines for future guidance for sanctioning the Shacks on different beaches.

5. Accordingly, guidelines were framed which were then taken on record by this Hon'ble Court. These guidelines envisaged, among other things, that (1) the number and location of Shacks on any particular beach will be decided by the Government taking into consideration the length and breadth of the beach, the number of beach visitors and the need for such facility; (2) that preference will be given to local residents of the area; (3) that permission would be granted to put up only one shack to a family where no member is employed or engaged; and (4) in case the number of applications which could be considered be more than the number of Shacks to be permitted on any particular beach, then the selection of applicant will be decided by Government by lots.

6. Against this background, the Department carried out an exercise with the help of Surveyors from the Directorate of Settlement & Land Records in August 1997 so as to determine the number of Shacks which could be permitted on various beaches. Based on this exercise, the Department recommended that in all 202 Shacks could be permitted on various Beaches, while on certain others no Shacks were proposed for the reason that permanent facility of Bars &

Restaurants existed on their peripheries. I say that the 202 shacks were permitted on the following beaches:

North Goa

Sr. No.	Name of the Beach	No. of Shacks permitted
1.	Arambol	5
2.	Mandrem	3
3.	Morjim	5
4.	Calangute(Sauntavaddo)	16
5.	Calangute(Khobravaddo)	9
6.	Calangute (Umtavaddo)	6
7.	Calangute (Maddovaddo)	4
8.	Calangute(Tivaivaddo)	4
9.	Calangute (Gauravaddo)	6
10.	Candolim (Ximer) (Escrivaovaddo) (Camotimvaddo) (Morod) (Vaddi) (Dando)	2 4 8 2 5 4
11.	Nerul	10

South Goa

Sr. No.	Name of the Beach	No. of Shacks permitted
1.	Velsao	1
2.	Arosim	1
3.	Utorda	6
4.	Majorda	12

5.	Betalbatim	6
6.	Colva	21
7.	Sernabatim(Colva)	6
8.	Benaulim	18
9.	Benaulim	1
10.	Fatrade(Varca	9
11.	Pedda –Uttordoxi	1
12.	Zalor(Varca)	1
13.	Mobor(Cavelossim)	26

This recommendation was duly accepted by the Government. Secondly, considering that this activity is purely seasonal and basically meant to help the residents of the coastal villages to earn their livelihood, it was decided that while inviting applications for the tourists season 1997-98, applications be invited beach wise, from the local residents of the coastal areas of the beaches concerned. This was because, their proximity to the beach would help the local residents in bringing in raw material and basic food ingredients from their homes very easily and thereby they would not make the beaches dirty by cutting fish, chicken, etc. at site and throwing the wet waste garbage behind. In fact, one of the condition stipulated in the terms for grant of Shack was that no cooking would be allowed in the Shack, but only the facility of warming, etc. could be there.

7. Accordingly, for the tourist season 1997-98 applications were invited from the local residents of the coastal areas of the notified beaches for a total number of 202 Shacks

indicate with break-up beach wise. However, when the De- tment was about to grant permissions, the Government attempted to modify the guidelines based on the recommendations of 'Shantaram Naik Committee' which favoured allotment of Shacks to all those who used to be granted permissions in the past. In the meantime, one Shri Dinanath Mamal from Mandrem, being aggrieved by the State's inaction in not considering his application for shack on Mandrem beach, filed Writ Petition bearing No.405/1997 before the Hon'ble High Court seeking Mandamus that his application be considered. This petition, together with M.C.A.No. 572/97 in Writ Petition No.492/1996 moved on behalf of the Government for approval of the modified guidelines proposed, were heard together and disposed off by common judgment and order dated 23rd December, 1997.

8. By the above judgment the modified guidelines proposed were found to be unreasonable and were therefore struck down. The Government was however given liberty to frame fresh guidelines or formulate a fresh policy for allotment of Shacks on the beaches for the year 1998-99 and subsequent years after taking into consideration all the relevant facts and circumstances and the public interest. Before inviting applications for the tourist season 1998-99, the Government sought opinion of the Law Secretary as also the Ld. Advocate General. I say that the Law Secretary as well as the Ld. Advocate General opined that although this Hon'ble Court had given the liberty to the Government to frame fresh

guidelines and formulate a fresh policy, the criteria for allotment will have to remain the same, that is fresh applications will have to be invited beach wise, and wherever the number of applicants exceed the number of Shacks to be allotted, then the selection had to be decided by draw of lots. Upto the tourist season 2000-01, the allotment was done by draw of lots directly among all the applicants beachwise.

9. During the tourist season 2001-02, the Government decided to allot the 50% quota to the applicants having past experience in operating Shacks and 50% for the new applicants, with the due approval/opinion of the Law Department.

This practice was in force upto the tourist season 2005-06.

10. During the tourist season 2006-07, the Shacks were allotted as under:

(a) 75% of the Shacks were allotted by draw of lots from among those applicants who have experience in operating the shacks in the past.

(b) The remaining 25 % were allotted by draw of lots from among the new comers who have no prior experience in this business.

11. During the tourist season 2007-08, the Shacks were allotted as under:-

(a) 90 % of the Shacks were allotted by draw of lots from among those applicants who have seniority in operating the shacks in the past.

(b) The remaining 10 % were allotted by draw of lots from among the new comers who have no prior experience in this business.

12. During the tourist season 2008-09, the allotment of Shacks were as under:-

(a) 90 % of the Shacks were allotted to those applicants by giving weightage on the basis of past experience of operating the Shacks as follows:

Applicants having 10 years experience and above 1st preference.

Applicants having 6 to 9 years experience 2nd preference.

Applicants having 1 to 5 years experience 3rd preference.

(b) The remaining 10 % were allotted by draw of lots from among the new applicants who have no prior experience.

13. During the tourist season 2009-10, Shacks were allotted as per Interim Order of Hon'ble Supreme Court of India as under:

(a) 90 % of the Shacks were allotted by draw of lots from among those applicants who have seniority in operating the shacks in the past.

(b) The remaining 10 % were allotted by draw of lots from among the new comers who have no prior experience in this business.

14. I say that this Hon'ble Court vide Order dated 01/05/2007 passed in Suo Motu Writ Petition No.2/2006 had directed that the question of grant of permission for shacks must be dealt with in accordance with the Coastal Regulation Zone Notification Zone (CRZ Notification) since the shacks are situated on the beaches and are under the jurisdiction of the Authority under the CRZ Regulation i.e. the GCZMA. This Hon'ble Court was pleased to direct that the GCZMA should be consulted in framing the policy for granting permission for shacks as also overseeing the exact location where permission are granted, the nature of construction of the shacks etc. *A copy of the Order dated 01/05/2007 is annexed as "* ***Exhibit R-1".***

15. The Department has thereafter since the year 2007 been determining the carrying capacity of every beach to fix the number of shacks to be permitted on that beach and also in identifying places for errection of shacks in consultation with the GCZMA. The last policy is for the tourist season 2010-11. As per this policy presently there are 10 beaches in North Goa (excluding Nerul) in which 234 shacks are in operation and in 22 beaches in South Goa excluding Palolem) in which 106 shacks are in operation.

The Department has started issuing NOCs for Shacks in Private properties from 2007-08 as per the directives of the Coastal Zone Management Authority (GCZMA) in the decision taken in the meeting held on 11/10/2007 &

15/10/2007 under the Chairmanship of Chief Secretary/Chairman GCZMA.

16. While determining the carrying capacity and fixing the number of shacks it is ensured that proper and unrestricted access to the concerned beach is made available for free enjoyment of the beach.

17. I say that the CRZ Notification of 1994 provided that the area between 0 to 200 mts of the High Tide Line should be a No Development Zone (NDZ). The shacks were permitted within the NDZ being seasonal in character and temporary in nature. The shacks were permitted only for the period from October to May. I say that the CRZ Notification 1994 is now repealed by Coastal Regulation Zone, 2011 with effect from 06/1/2011. I say that under the said Notification special provisions have been made for the State of Goa.

Under Regulation 8 (3) (III), considering the peculiar circumstances of State of Goa including the past history and other developments, purely temporary and seasonal structures customarily put up between the months of September to May are permitted.

18. I say that by the CRZ notification, 2011 the Government is permitted to grant permission for purely temporary and seasonal structures such as shacks which are customarily put up between the month of September to May ever year. This exercise is therefore permissible under law.

19. Even otherwise, the principle of Public Trust Doctrine is not in any manner violated. The beach where shacks are permitted is not made in accessible for the public. On the contrary, the shacks are permitted to ensure that the public who visit the beaches get better facilities. Every precaution is taken to restrict the number of shacks based on the carrying capacity of each beach and further that the public in any manner is not inconvenienced to visit and enjoy the beaches.

ISSUE NO. 3

Whether some beaches which do not have shacks and beach beds at the present time ought not to be kept permanently free of shacks and beds or any other similar sort of privatization.

20. As at present shacks are permitted on the following beaches in North Goa and South Goa;

NORTH GOA-234 nos.					
Sr. No.	Name of the Beach	No. of Shacks	Sr. No.	Name of the Beach	No. of Shacks
1.	Calangute (106)		3	Keri	04
	(a) Saunta Vaddo	25	4	Arambol	08
	(b) Khobra Vaddo	17	5	Mandrem	06
	(c) Umta Vaddo	16	6	Morjim	08
	(d) Maddo Vaddo	10	7	Ozrant	06
	(e) Tivai Vaddo	16	8	Anjuna	06
	(f0 Gaura Vaddo	22	9	Vagator	05
2.	Candolim (79)		10	Nerul (Subject to availability of space)	04
	a) Ximer	12	11	Siridao (subject to availability of space)	02
	(b) Escrivao Vaddo	10			

	(e) Camotim Vaddo	20			
	(d) Murud	10			
	(e) Vaddie	22			
	(f) Dando (Maximum 05nos.)	05			

SOUTH GOA -106nos.

Sr. No.	Name of the Beach	No. of Shacks	Sr. No.	Name of the Beach	No. of Shacks
1	Majorda	10	11	Velsao	02
2	Colva	08	12	Arrosim	04
3	Lounginhos(Colva)	03	13	Utorda	07
4	Colmar (Colva)	01	14	Thonvaddo(Betalbatim)	06
5	Benaulim	12	15	Ranvaddo(Betalbatim) (Cocunut Grove)	02
6	Calvaddo	03	16	Sunset Beach (Betalbatim)	01
7	Varca	04	17	Sernabatim (Colva0	03
8	Fatrade (Varca)	07	18	Velludo (Benaulim)	04
9	Mobor(Cavelossim) (near Hotel Leela & Holiday inn)	06	19	Zalor	04
10	Khandivaddo (Cavelossim) (Near Hotel Dona Sylvia & Old Anchor)	11	20	Palolem	08

No statement on the policy decision can be made as of today as regards other beaches where presently no shacks are permitted.

ISSUE NO. 4

Whether the Government has set up adequate infrastructure to ensure:

a) General cleanliness of the beaches;

b) Garbage disposal from beach shacks;

c) Civic amenities (toilets) for the public/shack staff.

21. As regards beach cleaning, I say that, in order to maintain the beaches neat, clean and free from obstruction, the Department has engaged the services of private contractors for lifting and disposal of garbage including litters, plastics, bottles/bags waste, etc. and also garbage generated by shacks including from sand dunes/vegetation area, parking areas/ approach roads/ access to the beaches. The contract was awarded from December 2008 to June 2009 and further extended up to 31/07/2011.

22. I say presently this Respondent has invited tenders for cleaning the beach areas, parking areas, nearby environ, roads and access through the beach by removal of organic and inorganic wastes, all foreign materials including transportation, disposal and maintain cleanliness on the beaches throughout the day from 1/8/2011 to 31/7/2012. I say that the last date for submitting applications/willingness was 11/7/2011. I say that the Respondent No.3 has received 22 applications and the applications are presently being scrutinized. *A copy of the Bid with all terms and condition is hereto annexed and marked as "Exhibit R-2" to this Affidavit.* The work of beach cleaning is carried out on the beach stretches of Terekhol, Keri, Arambol Mandrem Morjim, Vagator, Ozrant, Anjuna, Caranzalem, Bambolim, Siridao, Baga – Sinquerim, Betalbatim, Colva, Benaulim, Sernabatim, Betul, Cabo de Rama, Agonda, Canaguinim, Palolem, Patne, Rajbag, Talpona, Galgibag, Zalor, Fatrade, Varca, Cavelossim, Velsao – Majorda.

23. I say that toilets facilities are provided by Sulabh on the following beaches of Goa:

1. Calangute Beach
2. Colva Beach
3. Baga Beach
4. Miramar Beach
5. Benaulim Beach
6. Anjuna Beach

I say that in addition to the toilet facilities provided by Sulabh the Government is in the process of providing of mobile toilets to the shack allottees. The Government is in the process of acquiring mobile toilets or some alternate arrangement, that it is suitable for use on the beaches

ISSUE NO. 5.

Whether the Government has any means of ensuring that its policy/permissions for shacks/deckbeds is strictly adhered to and the actions it proposes to take in case of violations. For example, how does the Government propose to monitor the beach so that illegal shacks, additional deckbeds, burning/burial of garbage by shacks are nipped in the bud.

24. I say that the shack policy framed by the Government itself contains provisions for taking action against violations of the permission granted for errection and operation of shacks. In Clause 6, it is provided that in case of illegal shacks erected

on the beach, the illegal shack shall be demolished and the cost of demolition shall be recovered from the shack owner and the said person would be blacklisted from applying for shacks for a period of three years. In Clause 15 it is provided that during the visit/inspection by the officials of the Department if any illegal placement of deckbeds/umbrellas/chairs/tables are found place on the beach then the concerned party will be fined on the spot of Rs. 500/- per pair of deckbeds/umbrellas/chairs/tables placed on the beach outside the shacks and the shack license/deckbeds permission shall also be liable for cancellation. *A copy of policy for the tourist season 2010-11 is annexed and marked as "**Exhibit R-3**".*

25. I say that regular inspections are being carried out and if it is brought to the notice of the officials that any illegal shacks have come up on a particular beach, the Respondent No.3 requisitions for a Demolition Squad headed by the Deputy Collector of the concerned area and removes the illegal shack. I say that the person involved in illegal activities, are also penalized by forfeiting fees/security deposit and debarring for a period of three years.

ISSUE NO. 6

Whether water sports activities are regulated to ensure safety of the public, their fees/charges are approved and listed and conflicts with other users (example, fisherfolk) are avoided.

I say that the Respondent No.3 for the purpose of swimming/bathing and for operation of Water Sports activities have clearly identified/demarcated on every beach by availing the services of "DRISHTI RESPONSE SERVICES PVT. LTD. (Said Company)". *A copy of list showing the various beaches where the demarcation work is completed by the above is hereto annexed and marked as "Exhibit R-4" to this Affidavit.*

26. I say as regards registration of Tour Operators, Water Sports and Adventure Sports Operators are concerned, an amendment in the form of "CHAPTER IV – A" to the Goa Registration of Tourist Trade Act (Amendment) Act, 2011 was carried out, so as to enable the Respondent No.3 to bring the above activities under control. *A copy of the Said Act is hereto annexed and marked as "Exhibit R-5" to this Affidavit.*

27. I say that also as far as far as Water Sports activities are concerned, the Respondent No.3 regulated a "QUEUE" system with active support of the Captain of Ports, practically on major beaches of Goa where the Water Sports activities are undertaken. I say that a petition was filed on behalf of Big Blue Water Sports being Writ Petition No.216/2011. I say that the Petitioner in the said petition had raised a grievance regarding implementation of the queue system with regard to Sinquerim Beach only. This Hon'ble Court has vide order dated 30.06.2011 disposed off

the said writ petition on the basis of the affidavit filed on behalf of the state that the queue system will be implemented throughout the state of Goa. *Hereto annexed and marked as* ***Exhibit R-6*** *is a copy of the affidavit dated 29/06/2011filed in the said Writ Petition and Order dated 30.06.2011.* I say that the Department is in process of framing rules and regulations for establishment and operations of Queue system. I further state that the same will be brought into effect alongwith Shack Policy of 2011-2012. I say that the Department will ensure that queue system is followed and will take necessary action in accordance with law if there is breach of conditions and/or rules and regulation to be framed and/or any orders issued by the Department from time to time.

I say that the State Government has framed guidelines for registration and regulation of boats rides and water sports activities on rivers, lakes in the State of Goa and also in sea along the coast of Goa. I say that the said guidelines are called as "THE GOA BOAT RIDES AND WATER SPORTS ACTIVITIES GUIDELINES, 2003". *A copy of the said Gazette Notification dated 23/6/2003 is hereto annexed and marked as "****Exhibit R-7****" to this Affidavit.*

I say that the water sports activities throughout all beaches and/or water sports sites will be monitored completely by the Department or the agency engaged for same purposes.

28. I say that the Respondent No.3 is also in the process of framing Rules for water sports. I say that the same will help the Respondent No.3 to deploy 'Tourist Security Force' for regulation of water sports activities in the State of Goa.

ISSUE NO. 7

Whether the Government has set up any infrastructure to enable the public to peacefully enjoy the beaches and in particular measures to ensure safety of women and children.

29. At present there is no complaint mechanism available for actions against any form of harassment. At present whenever any problem crops up, authorities of Captain of Ports, Fisheries Department and this Department as a team go to the respective sites and resolve the issue.

30. I say that the State Government is in the process of recruiting 246 Tourist warden and 230 Assistant police warden for ensuring the safety of the general public, specially women and children to peacefully enjoy the beaches. I say that the Government has also issued an advertisement dated 12/2/2011 to recruit the said staff.

31. I say that the Respondent No.3 had also published a Notice Inviting Tenders on 16.07.2011 for supply, installation, commissioning, maintenance of Night Vision Cameras with remote viewing facility and recording facility at certain

beaches in the State for a period of 3 years. I say that the said cameras were to be installed within 200 mtrs. of the locations specified in the tender document. I say that the cameras will be installed at Keri, Arambol, Ashwem, Morjim, North Vagator, Anjuna, Baga, Opposite to Titos, Calangute, Candolim, Sinquerim, Miramar, Dona Paula, Sridao, Baina, Bogmallo, Velsao, Arrosim, Majorda, Betalbatim, Colva, Benaulim, Benaulim Taj, Varca, Zalor, Mobor, Cavellosim, Agonda, Pallolem, Patnem, Rajbag & Galgibag beaches.

I say that pursuant to the said Notice Inviting Tender, 3 applicants namely (1) M/s. E-Sense Entertainment Pvt. Ltd., Mumbai (2) M/s. Live Darshan, Mumbai & (3) M/s. Kores India Limited, Mumbai, have submitted their bids. The government is in the process of scrutinizing the bids.

ISSUE NO. 8

Whether the Government has made adequate arrangements to ensure safety of the public who enter the sea for swimming/bathing.

32. The Government of Goa is committed to give state of the art infrastructure to the State and its people. The Government of Goa is also determined to ensure the safety of the tourists by developing the beaches to be as safe as possible. In the past, the number of deaths due to drowning were on a rise. It was therefore of utmost importance to reduce deaths due to drowning by instituting a more professional system which will focus on prevention aspect and rescue.

As such Government engaged the services of M/s. Drishti Special Response Services Private Limited to undertake the work of development, deployment, management and operation of a water safety patrol with State of Art facilities in the coastal waters of the State of Goa for two sectors being as under:-

(i) Sector I:

(a) Baga - Calangute - Candolim- Sinquerim. (b) KERI, ARAMBOL, ASHWEM, MANDREM, MORJIM, VAGATOR, ANJUNA, MIRAMAR, CARANZALEM, DONA PAULA, VAINGUINIM & BAMBOLIM.

(ii) Sector II:

(a) Velsao-Arrosim-Utorda-Majorda-Betalbatim-Colva-Sernabatim-Benaulim.

(b) BAINA, BOGMALO, HOLLANT, VARCA, FATRADE, MOBOR, CAVELOSSIM, BETUL, CANAGUINIM, COLA, AGONDA, PALOLEM, COLOMB, PATNEM & GALGIBAGA.

33. The service is equal or surpasses standards elsewhere in the world in terms of skill set of lifeguards, rescue equipments and infrastructure. The prestigious project which commenced from October 2008 have saved till date around 190 lives of domestic & foreign tourists by rescue intervention. The number of lives saved by prevention is a very difficult task to estimate.

M/s. Drishti has employed in all 120 lifeguards,

Government has also initiated the work of carrying safety/security night patrol for period of two months from 15.05.2010 to 14.07.2010 during 18.00 hrs to midnight (i.e. 2359 hrs) through M/s. Drishti Special Response Service Pvt. Ltd., Mumbai on remote/threat prone beaches of Goa at Vagator, Anjuna, Baga-2, Candolim & Sinquerim in Sector I i.e. North Goa and Velsao, Majorda, Betalbatim, Varca -2 and Cavelossim in South Goa i.e. sector II respectively.

34. I say that what is stated by me in paragraphs 1 to 33 of the above Affidavit are true to my own knowledge and/or as per the records available in the office of the Respondent No.3, which I believe to be true.

Solemnly affirmed at Panaji-Goa
On this 5th day of ~~August~~ September, 2011.

DEPONENT

BOMBAY AT GOA

Identified by me:-

Sapna Mordekar
(Addl. Government Advocate)

Section Officer
Bench Court of Bombay at Goa
Panaji (Goa)

Exb-R-1

349

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU WRIT PETITION NO. 2 OF 2006

Versus
UNION OF INDIA THROUGH ITS
SECRETARY AND 2 ORS., ... Respondents

Ms. Norma Alvares, Amicus Curiae.

Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Addl. Govt. Advocate for the State/Respondents.

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 1st May, 2007

P.C.

We find that the directions contained in paragraph 3 of the Order dated 2nd April, 2007 have not been complied with till date. There seems to be some misconception with some officers of the State Government relating to compliance of the orders of this Court after the elections are announced. Whatever be the misconception, we make it clear that the orders of this Court shall be complied with notwithstanding the Code of Conduct or announcement of the elections.

2. In fact, we find from the letter of the Election Commission which bears the title "Item No.250" that the code of conduct notwithstanding the orders for demolition and for eviction must be complied with after informing the Election Commission.

3. The learned Advocate General appearing on behalf of the Goa Coastal Zone Management Authority (GCZMA) states that they will duly and faithfully comply with the orders, after informing the Election Commission. We make it clear that whether or not the procedure is

complied with by the GCZMA, the earlier orders shall be complied with within a period of four weeks from today and a compliance report submitted.

4. The learned Advocate General further states that the entire exercise of demarcation of the high tide line; identification of the structures existing within 200 metres of high tide line and plotting of the structures on the survey maps shall be carried out by 30th June, 2007. A compliance report in that respect shall be submitted immediately thereafter.

5. We further direct that the State and the GCZMA shall carry out the same exercise in respect of the coastal zone along the banks of rivers, creeks, estuaries, etc., in the State of Goa. This exercise shall be completed within a period of six months from today. A compliance report shall also be submitted immediately thereafter.

6. The learned amicus curiae brought to our notice an aspect in relation to the permissions which the respondent-State grants for shacks on the beaches in the tourist season. We considered it appropriate to look into the matter and heard the learned Advocate General on the issue.

7. Having given our consideration to the submissions, it appears that the question of grant of permissions for shacks must be dealt with in accordance with the Coastal Regulation Zone Notification ("CRZ Notification"), since, obviously, the shacks are situated on the beaches which are always under the jurisdiction of the authority under the CRZ Regulation i.e. GCZMA for the purpose of their preservation.

8. It seems that the policy for grant of permissions for allotting shacks and the actual permission on shacks is formulated and processed

by the Tourism Department on its own. Having regard to the fact that the shacks are proposed to be set up on the beaches, we see no reason in fact or law that the GCZMA which is entrusted with the responsibility of implementing the CRZ Notification, is not consulted in framing the policy for granting permissions for shacks as also overseeing the exact location where permissions are granted, the nature of construction of the shacks etc.

9. There is no dispute that the existence of any kind of structure on a beach affects the formation or erosion of sand dunes, depending upon the structure, whether temporary or permanent. We are therefore of the view that it would be necessary to direct the Tourism Department to formulate its policy for grant of permissions for shacks on the beaches in Goa including identification of beaches where shacks may be permitted and other related aspects in consultation with the GCZMA so that the permissions are granted harmoniously with the object of preserving the beaches. There is also no doubt in our minds that the GCZMA must also be consulted by the Tourism Department at the time of actual erection of shacks with particular reference to the nature of the shacks and their location.

10. We are informed that the policy will be finalised before the next tourist season and, therefore, there is sufficient time for the consultation contemplated above. We, accordingly, direct the consultation of the GCZMA by the Tourism Department while formulating and implementing the policy for granting permissions to shacks. The learned Advocate General submitted, and rightly so, that the GCZMA shall be taken into consultation on all aspects relating to the preservation of the beaches and not other administrative aspects like generation of revenue etc. while formulating the policy.

11. It may be noted that the litigations of various kinds are pending

before this Court pertaining to various aspects of the coastline and the beaches. Range varies from illegal constructions to granting permissions for deck beds along with shacks and the corresponding effect on the citizens' right to move freely on the beaches. It appears to us that a part of these problems arises again and again because of lack of consultation between various departments which traditionally act independent of each other. Whatever be the reasons, with a view of rationalising and harmonizing the conflicting interest of various sections which use the beaches for different purposes, we are of the view that the consultation contemplated above would be beneficial.

S.O. 2nd July, 2007.

S.A.BOBDE, J.

N. A. BRITTO, J.

ssm.

Ex. D. 1 353

Government of Goa, Department of Tourism,
Opp. Hotel Nova Goa, Dr. Atmaram Borkar Road, Panaji-Goa
Tel.0091 (0)832 – 2438750/51/52 Fax: 0091 (0)832 – 2438756
Email: goatourism@dataone.in Web: www.goatourism.gov.in

Sr. No. S-1 .....
Receipt No. .....
Date: .....

PRICE BID

Name of work	:	Cleaning the beach areas, parking areas near by environ, roads and accesses through the beach by removal of organic and inorganic wastes, all foreign materials including transportation, disposal and maintain cleanliness on the beaches throughout the day from 01/08/2011 to 31/07/2012.
Beach ID No.	:	S-1
Beach Name	:	Baina, Bogmalo.
Last date of submission	:	The completed application forms shall be submitted in the office of Department of Tourism, Panaji on or before 20/07/2011 at 3.00 p.m.
Price Bid Opening	:	20/07/2011 at 3.30 p.m.
Issued on	:	
Issued to	:	

M/s.

Agency/Organization Bidder

Director of Tourism

TABLE OF CONTENTS

SR. NO.	SUBJECT	PAGE NO.
1.	GENERAL INFORMATION	3
2.	INSTRUCTIONS TO BIDDERS	4-10
3.	PRICE SCHEDULE	11
4.	LETTER OF TRANSMITTAL	12
5.	COST BREAKUP	13
6.	DATA SHEET	14
7.	DISPOSAL SITE CERTIFICATE	15
8.	LAST PAGE	16-17

Agency/Organization Bidder

Director of Tourism

Chapter 1

GENERAL INFORMATION

Goa is a small State of the Indian Union having a total area of 3702 sq.km. The population of State as per census 2007 is 13.96 lakhs. The total number of tourist arrived are approximately 26,42,000/- for the year 2010. Goa has been bestowed by nature with lovely tracks along the Arabian Sea and beautiful hills of the Western Ghats making it famous world over for its natural beauty, clean surroundings and a prominent tourist destination.

Over the years, in view of fast pace of Urbanization and tourism development, the problems of solid waste management has attained great importance. Although, a substantial progress has been made during the last couple of years, the system of organized collection and scientific disposal has not been achieved to the required level.

The waste in beach areas normally consists of:

1) Plastic bottles, plastic cups, plastic bags.
2) Food waste
3) Liquor bottles
4) Papers
5) Rags
6) Organic and Inorganic wastes from shacks/restaurants
7) House hold waste from those located close to the beach
8) Animal waste from the stray cattle
9) Other waste like sticks & logs of wood, dead fish dead bodies of animals, etc. carried to the shore by water current.
10) Tar balls

Chapter 2

INSTRUCTIONS TO BIDDERS

2.1. The Bidders shall be responsible for all the **costs associated** with the preparation of their proposal and their participation in the bidding and subsequent selection process. The Director of Tourism, Government of Goa will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the selection process.

2.2. The bidders should quote his rates in lump sum (Price bid) for the work of Cleaning the Beach Areas by removal of Organic and Inorganic wastes including all foreign materials including Transportation, Disposal and Maintaining the Cleanliness of the Beach through out the day including parking areas and approach roads leading to the beaches and surrounding environ.

2.3. The bidders shall submit supporting calculations for the quoted amount. The calculation shall be self-explanatory. The supporting calculations shall be duly filled and signed.

2.4. The bidders **prices shall include** all the relevant taxes and duties and cost towards all expenditure and overheads including profits on manpower, establishment, providing stationary, transport, stay, local conveyance, and all other infrastructure including mobilization and demobilization of workforce and facilities required to complete the assignment successfully including disposal of the waste to the dumping area. The bidder shall comply all the laws specially labour laws.

2.5. The Bidders shall **visit and examine the site** and obtain for themselves, at their responsibility, all the information and data that may be necessary for preparing their proposal.

2.6. The successful bidder shall collect and dispose all types of wastes including litters, plastic bags/bottles, organic and inorganic wastes as per the scope of work besides garbage generated by shacks including sand dunes/vegetation area, parking areas and access to the beaches (about 50 mtrs. from the beach/vegetation area). The site for disposal shall be arranged by the bidder, and the bidder must give the details of his plan to dispose off the garbage in a scientific and proper manner. The Contractor has to abide by the plan given by him very strictly and no deviation whatsoever will be allowed. Such plan must accompany the tender documents at the time of submission of this tender document. Tender documents without such plan would be rejected even if they fulfill all other conditions. The site (said beach stretch) should be made available for inspection to the Officials of the Department of Tourism every day.

2.7. The bidders shall also be responsible for the

(i) Maintenance of the beach as required by the Director of Tourism.

(ii) The entire responsibility of collection, dumping/disposal lies with the bidder/contractor.

(iii) The contractor shall deploy minimum 5 labourers for two kilometer stretch of the beach, comprising minimum 50% of the labourer

originally from the local village with all necessary required equipments in order to collect and dispose off organic /inorganic waste. The contractor shall provide/arrange uniforms to their labourers at their own cost. The uniform should be same as the dress code given to the labourers of Department of Tourism.

(iv) All the labourers deployed on the beaches shall be present minimum 8 hrs and the agencies should submit their schedule of timing in advance to this Department.

(v) The contractor shall also arrange for the labour, uniforms, gloves, boots, brooms, dustbins (as per standard design), temporary rest rooms and toilet facilities for the labourers, arrangement of vehicle for disposal of wastes, disposal site, etc. for successful completion of the work.

(vi) No labour below the age of fifteen years shall be employed on the work. No female labour shall be employed within the limit of a cantonment.

2.8 The bidder shall deposit 2.5% of the estimated cost as earnest money deposit for the identified beach in the form of DCR/Pay Order in favour of Director of Tourism, Panaji, Goa, payable at Panaji.

2.9 The successful bidder whose tender may be accepted (hereafter called the Contractor) **shall furnish Bank Guarantee of the half contract value for period of one year before issue of work order.** If the successful bidder fails to give the said Bank Guarantee within seven days

from the proposed date of allotment, the rest in line shall be considered for allotment.

2.10 The successful bidder shall submit monthly running bill to the Department of Tourism, Purushottam Bhagwan Bldg., Opp. Hotel Nova Goa, Dr. Atmaram Borkar Road, Panaji for settlement. The bill shall be cleared for payment only after due certification by the Committee formed for this purpose consisting of Dy. Director (Revenue), Junior Engineer, Information Assistant (North) & (South) respectively. Government may appoint 2 to 3 prominent people from the concern Beach Stretch.

Day to day progress of cleaning of beaches will be carried out by the Committee formed by Department of Tourism either collectively or individually and in case of any lapse reported, then the Department of Tourism shall deduct an amount which is equivalent to the amount involved in the each working day with an additional penalty of ₹1000-/- per day. Every time a lapse is observed, a written notice would be issued to the contractor. If any contractor gets three such notices in one single month, then the contract would be terminated without giving any further notice to the contractor and the entire Bank Guarantee given would stand forfeited.

2.11 The successful bidder shall enter into an agreement with the Department of Tourism upon receipt of acceptance of work order.

2.12 Terms and conditions, Payment terms and mode of payment, Price Bid document, letter of acceptance and the agreement shall form the contract document.

2.13 The Bidders shall ensure that the **Proposal is complete** in all respects and conforms to all requirements indicated in the bid documents.

a) It would be deemed that by submitting the proposal, Bidder has :

i) Made a complete and careful examination of the Bid documents.

ii) The bid conforms to all the requirement of the Department of Tourism, Government of Goa.

iii) Dumping sites are arranged without any disputes and complaints referring to Department of Tourism.

2.14 Every stretch of the identified beach for cleaning shall be demarcated by the Department of Tourism and the successful bidder shall erect two numbers of Mild Steel Board of approved design with necessary instructions as directed by Director of Tourism, at the demarcated area at the bidder's own cost.

2.15 The proposal should have **no over writing** except as necessary to correct errors made by the Bidder themselves, in which case such correction must be initialed by the person signing the proposal.

2.16 The Authorized representative of the bidder shall **initial each page.** The persons signing the proposal shall initial all the alteration, omissions and additions.

2.17 The Bidders shall also **seal the envelopes** containing the proposals.

2.18 The Financial proposal should be **unconditional** and any conditionality attached with the proposal may result in the rejection of the proposal.

2.19 The envelope shall clearly be super scribed as proposal for the work of Cleaning the beach areas, parking areas near by environ, roads and accesses through the beach by removal of organic and inorganic wastes, all foreign materials including transportation, disposal and maintain cleanliness on the beaches throughout the day for the year 2011-12.

2.20 If the envelop is not sealed and marked as instructed above, Director of Tourism assumes no responsibility for the misplacement of premature opening of the contents of the proposal submitted.

2.21 The prospective Bidders may seek their **clarification**, if any, on the bid in writing to the Director of Tourism, Government of Goa. Only clarifications submitted in writing will be answered /responded by the Director, Department of Tourism, Government of Goa.

2.22 The last date for seeking clarification is 15/07/2011

2.23 No tender shall be allowed to be modified after the submission.

2.24 The tender and all the correspondence and documents related to the tender exchanged by the bidder and Director, Department of Tourism, shall be necessarily **written in English language.**

2.25 The prices shall be quoted in terms of **Indian Rupees** only.

2.26 The total price quoted by consultant covers all the Bidders obligations mentioned in or to be reasonably inferred from the Bid document in respect of work of Cleaning the beach area by removal of Organic and Inorganic wastes including all foreign materials and maintaining of the beach including transportation and Disposal of wastes.

2.27 The Director of Tourism, Government of Goa will open the duly submitted bid document (Price Bid) submitted by the applicant in the presence of tenders/designated representative who choose to attend. The Bid will be opened on 20/07/2011 at 3.30 p.m. in the Chamber of Director of the Department of Tourism, Government of Goa.

2.28 Tender shall remain valid for a period of 90 (ninety) days after the last date for submission of tender. In exceptional case Director of Tourism, Government of Goa may request other Bidder to extend the period of validity for a specified additional period and the contract shall be valid for a period of twelve months only i.e. August 2011 to July 2012.

2.29 Any comments which the bidder desires to make shall not be placed in the annexed document but shall take form of a separate statement which should be as brief as possible and give reference to page, clause or item number of the annexed documents.

2.30 The information submitted shall be specific and strictly as per the formats and no additional information need to be placed which is not asked in the formats.

2.31 The Director of Tourism reserves the right to accept or reject any bid or to annual Bidder process and reject all tenders at any time prior to the award of contract without incurring any financial liability to the affected bidders and any obligation to inform the affected bidders.

Agency/Organization Bidder

Director of Tourism

CHAPTER 3

PRICE SCHEDULE

Name of work : Cleaning the beach areas, parking areas near by environ, roads and accesses through the beach by removal of organic and inorganic wastes, all foreign materials including transportation, disposal and maintain cleanliness on the beaches throughout the day from 01.08.2011 to 31.07.2012

Beach ID No. : S-1

Beach Name : Baina, Bogmalo Stretches of 2.50 kms. in length and 100.00 mts. Wide from low tide level

Sr. No.	Description	Unit Cost	Rate per month in figures	Rate per month in words
1.	Cleaning the beach areas, parking areas near by environ, roads and accesses through the beach by removal of organic and inorganic wastes, all foreign materials including transportation, disposal and maintain cleanliness on the beaches throughout the day from 01.08.2011 to 31.07.2012			

The quoted amount shall be inclusive of all costs (inclusive of all tax and expenditure on men, machinery, transportation, dumping, erecting of sign boards, dustbins, etc.)

Signature of Contractor

Director of Tourism
Government of Goa

Agency/Organization Bidder

Director of Tourism

CHAPTER 4

BATCH NO:- S-1

Letter of Transmittal

To,
The Director,
Department of Tourism,
Government of Goa,
Opp. Hotel Nova Goa,
Dr. Atmaram Borkar Road,
Panaji – Goa

Dear Sir,

Having examined the Price Bid including scope of work, I/we submit all the necessary information and relevant documents and also give undertaking as follows:

1. The beach is inspected by me.
2. I/We know all the conditions of the work.
3. All the materials, labour, transportation and disposal shall be arranged by me.
4. I have to deposit Security Amount as per Clause 2.9 of Instructions.
5. I also submit Income Tax Clearance certificate along with the Price Bid.

Enclosed herewith please find Demand Draft No._____ dated _____ drawn on Bank _____ in favour of Director of Tourism, Government of Goa for ₹_____ payable at Panaji, Goa towards EMD.

I/We understand that Director of Tourism reserves the right to reject any Application without assigning any reasons thereof.

Signature of the applicant

Date:

_____
Agency/Organization Bidder

_____
Director of Tourism

Encl:

CHAPTER 5

BATCH NO:- S-1

COST BREAKUP

Cost breakup shall consist of

(i) Charges towards labourers and supervisors.
(ii) Charges towards brooms, baskets, garbage sewers, pickers, etc.
(iii) Uniform charges
(iv) Charges towards dustbins and boards
(v) Charges towards transportation and dumping
(vi) Contractor's profit

Charges for one month

Sr. No.	Description	Rate	Amount

Agency/Organization Bidder

Director of Tourism

CHAPTER 6

BATCH NO:- S-1

DATA SHEET

SR. NO.	DESCRIPTION	REMARKS
1.	Beach ID Number	
2.	Name of Beach	
3.	Length of beach in Km	
4.	Total Quantity of Garbage	
	(a)Organic waste	
	(b) Inorganic waste (Plastic, etc.)	
5.	Number of labourers	
6.	Number of supervisors	
7.	Number of hours of working	
8.	Number of dustbins	
9.	Location of dust bins	
10.	No. & Type of vehicle for transportation of garbage	
11.	Dumping location	
12.	Distance of dumping location from beach	
13.	Contract person and Phone number (land line and mobile)	
14.	Additional information if any	

Agency/Organization Bidder

Director of Tourism

367

CHAPTER 7

BATCH NO:- S-1

DISPOSAL/DUMPING SITE CERTIFICATE

To,
The Director,
Department of Tourism,
Government of Goa,
Opp. Hotel Nova Goa,
Dr. Atmaram Borkar Road,
Panaji – Goa.

Sub:- Disposal of garbage cleared from beach site.
Ref: Chapter 7 annexed to price bid.

Sir,

I am to state that a price bid has been submitted by me for clearing the beach areas including collection, transportation, disposal and maintenance of the cleanliness of the beach.

In this connection, I have tied up/made arrangements with _____ or I undertake to dispose the collected garbage scientifically on my own without causing any nuisance or inconvenience to public in the process of transportation and disposal. I am also enclosing a complete plan of garbage collection, segregation and scientific disposal of garbage collected alongwith.

Yours faithfully,

(Bidder)

_____
Agency/Organization Bidder

_____
Director of Tourism

CHAPTER 3

BATCH NO:- S-1

LAST PAGE

1.	Duly filled formats along with supporting documents shall be submitted in original on or before 20/07/2011 at 3.00 p.m.	
2.	Envelope No.1	Price Bid and Financial Turnover (Income Tax Clearance Certificate) (sealed envelop).
	Envelope No.2	EMD in the form of DD drawn in favour of Director of Tourism, payable at Panaji (sealed envelop)
	Envelope No.3	Envelop No.1, Envelop No.2, shall be placed in Envelop No.3, clearly superscribing "proposal for the work of cleaning the beach area" by removal of Organic and Inorganic wastes including all foreign materials and maintaining of the beach including transportation and disposal of wastes for the year August 2011 to July 2012 (sealed Envelop).
The envelop shall also contain the address of the bidder along with the forwarding letter with enclosure details		
3.	Date and time of opening :	20/07/2012 at 3.30 p.m
4.	Envelop No.2 containing EMD will be opened first and if found satisfactory Envelop No.1 shall be opened.	

Agency/Organization Bidder

Director of Tourism

5. Any clarification in respect of formats and instructions may be obtained from the Department of Tourism, Panaji, during working hours.

6. The cost of visiting the site and the cost of preparing and submitting the proposal for the above work shall be borne by the bidder.

7. Submission of Price bid by the bidder shall not construe any right for the 'award of work'.

8. The bidder shall submit the PAN number details in envelope No.1

9. Department of Tourism reserves the right to reject or accept any application and to annual the process and reject all applications at any time without assigning any reason and without thereby incurring any liability to the affected applicant/bidder or without informing the applicants of the grounds for the employer's action.

Agency/Organization Bidder

Director of Tourism

Exb - R-3

370

Form No. 890

Receipt No. _____

& Date _____

Affix a Passport size Photograph here

Government of Goa
Department of Tourism
Patto, Panaji – Goa

APPLICATION FOR ERECTION OF A TEMPORARY SHACK AT THE BEACHES OF GOA DURING THE TOURIST SEASON 2010-2011 (upto 31/05/2011)

1. Name (In Block Letters) :

2. Name of the Shack :

3. (a) Address :

   (b) Telephone No. Res./Mobile :

4. Nationality :

5. Location for proposed temporary Shack/Name of the Beach Stretch :

6. **Experience** (Enclose copy of permission/ Licence/Document issued by the Dept. of Tourism in the past years, if any) (fee receipts shall not be considered) :

7. Any other information, the applicant desires to furnish :

ENCLOSURES:

8. (a) Residence certificate in original/attested issued by Village Panchayat/ Municipality :

   (b) Attested copy of ration card :

   (c) **Recent Coloured Passport size photographs** (three copies) with the name written on the back **excluding** one attached to this application. :

370(A)

(d) Attested copy of birth certificate/Passport copy / Pan Card :

(e) Details of Demand Draft towards permission fee. :

(f) Affidavit :

DECLARATION

I hereby declare that I have read the **"Terms and Conditions"** governing allotment of Temporary Shacks for the tourist season October'2010 to 31st May' 2011 and Beach Shack Policy 2010-11. I further state that I am aware of the directions of the Hon'ble High Court at Goa in the Writ Petition No.167/2007 and all other orders relating to erection of Shacks etc., and I agree to abide by the same. I further declare that no other members of my 'family' as defined in the Beach Shack Policy is employed or engaged in any other business. I also agree to assist the Tourism Department and Police Department as and when called upon to do so to prevent any crime and violation of any law along the Beach.

(Signature of the Applicant)

NOTE:-

(i) The application for putting up a Temporary Shack shall be received from the applicant **in person only.**

(ii) The Forms received incomplete in any respect such as improper documents, permission fees other than by "Demand Draft" are liable to be rejected.

(iii) Separate Affidavit if applicant is for Morjim Beach.

TERMS AND CONDITIONS FOR GRANT OF PERMISSION FOR ERECTION OF TEMPORARY SHACKS/DECK-BEDS/UMBRELLAS ON THE IDENTIFIED BEACHES OF GOA FOR THE TOURIST SEASON 2010-11 (OCTOBER 2010 TO 31ST MAY 2011).

In compliance with the directives issued by the Hon'ble High Court of Bombay at Goa from time to time and with the approval of the Goa Coastal Zone Management Authority (GCZMA), the Department of Tourism has formulated the following Policy/Guidelines for the ensuing Tourist Season 2010-2011, for strict compliance.

1. Permission shall be granted for temporary erection of Shacks/placing of Deck-beds on the following identified beach stretches after a joint inspection to be carried out by the Officials of this Department along with the Officials of GCZMA:

NORTH GOA - 234 nos.

'A' Stretches (Permission Fees Rs.30,000/-)			B' Stretches (Pemission Fees Rs.20,000/-)		
Sr. No.	Name of the Beach	No. of Shacks	Sr. No.	Name of the Beach	No. of Shacks
1	Calangute (106)		1	Keri	04
	(a) Saunta Vaddo	25	2	Arambol	08
	(b) Khobra Vaddo	17	3	Mandrem	06
	(c) Umta Vaddo	16	4	Morjim	08
	(d) Maddo Vaddo	10	5	Ozrant	06
	(e) Tivai Vaddo	16	6	Anjuna	06
	(f) Gaura Vaddo	22	7	Vagator	05
2	Candolim (79)		8	Nerul (subject to availability of space)	04
	(a) Ximer	12	9	Siridao (subject to availability of space)	02
	(b) Escrivao Vaddo	10			
	(c) Camolim Vaddo	20			
	(d) Murud	10			
	(e) Vaddie	22			
	(f) Dando (Maximum 05 nos.)	05			

SOUTH GOA - 106 nos.

'A' Stretches (Permission Fees Rs.30,000/-)			B' Stretches (Permission Fees Rs.20,000/-)		
Sr. No.	Name of the Beach	No. of Shacks	Sr. No.	Name of the Beach	No. of Shacks
1	Majorda	10	1	Velsao	02
2	Colva	08	2	Arrosim	04
3	Lounginhos (Colva)	03	3	Utorda	07
4	Colmar (Colva)	01	4	Thonvaddo (Betalbatim)	06
5	Benaulim	12	5	Ranvaddo (Betalbatim) (Coconut Grove)	02
6	Calvaddo	03	6	Sunset Beach (Betalbatim)	01
7	Varca	04	7	Sernabatim (Colva)	03
8	Fatrade (Varca)	07	8	Velludo (Benaulim)	04
9	Mobor (Cavelossim) (near Hotel Leela & Holiday inn)	06	9	Zalor	04
10	Khandivaddo (Cavelossim) (Near Hotel Dona sylvia & Old Anchor)	11	10	Palolem	08

311(A)

The number of Temporary Shacks to be allotted at the various beaches may be subject to such variations as decided by the Government from time to time. Since there are no private beaches, only frontage for any hotel/establishment shall not be considered as sufficient reason for rejecting any Shack applications/ designating any slot for putting up Shack.

2. Application in the prescribed form as per enclosure for allotment of Temporary Shacks to be erected on identified beach stretches are invited from the persons and permission shall be granted to put up only one Shack by one member of a family who is unemployed and no other family members can apply. The applicant and his family members should not be directly or indirectly engaged in any business, vocations or profession or any service in Government or Private.

   The Expression "Family" shall include husband or wife, as the case may be and minor children.

3. In case of any complaints received with documental proofs on the successful Shack allottees or family of having any other business in operation during the period of permission i.e. from October'2010 to 31st May' 2011, the permission granted will be cancelled and the Shack will be re-allotted to the next waitlisted applicant.

4. The Shack shall be erected only at the place indicated in the Permission letter and as demarcated on the site plan by the Officials of the Department. ***The permission shall be collected within 15 days and shack shall be erected within one month from the date of draw of lots failing which the permission would be revoked. Under no circumstances the successful shack allottee shall erect the shack unless and until the permission is obtained from the Department.***

5. The Shack allottee shall provide printed bills to the customers for food, refreshment and any other service charges.

6. The unsuccessful Shacks applicants shall not erect any Shack illegally. If done so, shall be subject to demolition at his/her own risk and cost and the deposit submitted by the unsuccessful applicant shall be forfeited and deposited in the Government Treasury and he/she would be **Penalised/Black listed** from applying for Shacks for a period of **three years** without prejudice to action for contempt of Court for violation of High Court Orders from time to time.

7. No Shack shall be allowed in the area reserved for Fishing and Water Sports Activities or Bathing Zone.

372

8. **The Shack allottee shall make provision for giving Fire cover/First Aid to the structure and the public/tourists and shall contact the Office of the Fire Service to obtain guidelines.**

9. The permission granted shall be valid for the current tourist season only i.e. from the date of grant of Permission upto 31st May 2011 and shall be subject to the allottee obtaining the required permissions, from the Excise Department, Health Department, Food & Drugs Administration, Electricity Department, Fire Services, Commercial Taxes Department and other concerned authorities as may be applicable.

9a. The Excise Department shall not issue any liquor licences to illegal Shacks. Before issuing licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Excise Department shall issue the licence (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

b. Health Department shall not issue any licences to illegal Shacks. Before issuing licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Health Department shall issue the licence (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

c. Directorate of Food Drugs & Administration shall not issue any licences to illegal Shacks. Before issuing licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Food & Drugs Department shall issue the licence (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

d. Electricity Department shall not issue any Electricity connection to illegal Shacks. Before giving the connection they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Electricity Department shall give the connection (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

e. Directorate of Fire Services shall not issue any licence to illegal Shacks. Before giving the licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Directorate of Fire Services shall issue the license (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

372(A)

f. Department of Commercial Taxes shall not issue any licence to illegal Shacks. Before giving the licence they will coordinate with Tourism Department and only after a written confirmation that the Shack put up is not illegal and is authorized, the Department of Commercial Taxes shall issue the license (W.P. No.167/2007 in the High Court of Bombay Judicature at Goa).

g. The Police Department and respective Police Stations shall maintain a strict vigil along the beaches so as to prevent erection of illegal Shacks, Beds and stop hawkers, masseurs, lamanis and others such as peddlers in banned substances from operating on the beaches ***under their jurisdiction.***

10. **The Shack structure shall be of the size 15 mts. (length) x 8 mts. (breadth) only and the height of the Shack shall be maximum of 5.5 mts. including height of boards displayed above the roof. The size for the Beach Stretches of Calangute & Candolim shall be 12 mts. (length) X 6 mts. (breadth) and the height of the Shack shall be maximum of 5.5 mts. including height of board displayed above the roof. Shacks which differ in size other than permitted are liable to be demolished and the permission shall be cancelled forthwith. The alignment shall be decided by the Department of Tourism.**

11. For the Tourist season 2010-11, the cost for Application Form shall be Rs.2,000/- and the fee for the seasonal Shack shall be as under:

At stretches: 'A' = Rs.30,000/-

At stretches: 'B' = Rs.20,000/-

Beach stretches of Calangute, Candolim, Majorda, Colva, Benaulim, Varca and Cavellosim are clasified as **'A'** category beaches and the other beach stretches shall be termed as **'B'** category.

The Permission fees shall be **non refundable** and payable alongwith the application form by way of **"Demand Draft Drawn only on State Bank of India in favour of Director of Tourism, payable at Panaji".**

12. The Shack shall be erected out of natural eco-friendly materials like bamboos/wooden poles with thatched palm leaves/ thatched bamboo mat roofing and no tin or plastic sheets shall be used. No permanent construction materials nor iron structures or iron sections of any nature shall be allowed to be used. The floor at the maximum can be of wooden planks. No cement/khadappa floor shall be allowed.

373

13. Each Shack allottee shall be permitted to put up **ten pairs of Deck-Beds with ten Umbrellas**, with the exception of **Calangute & Candolim Shack allottees** who shall be permitted to put up **five pairs of Deck-Beds and five Umbrellas** in close proximity to their respective Shacks. The Deck-Beds should be painted with the name and number of the Shack allotted. No Additional Deck-Beds/Umbrellas shall be permitted under any circumstances No scattering of Deck-Beds shall be allowed.

14a. **Subject to site conditions, permission for Deck-Beds/ Umbrellas for Hoteliers with beach frontage may be granted permission to put up a maximum number of twenty pairs of Deck-Beds and twenty number of Umbrellas at the rate of Rs.3,000/- per pair of Deck-Beds. No further request for additional Deck-Beds shall be considered under any circumstances. Deck-beds shall be permitted at the frontage on the area earmarked by the Officials of Tourism Department. No scatters of Deck-beds shall be allowed.**

14b. **Subject to site conditions, Deck-Beds may be permitted to put up at locations away from Shacks, based on applications made in this regard by unemployed local Residents at the rate of Rs.1,000/- per pair for a maximum upto three pairs per person.** ***However, no such permission shall be given in Baga to Sinquerim beach stretch.***

15. In case of illegal placement of Deck-beds and any additional materials placed on the beaches other than those permitted, the same shall be confiscated by the Department, without any Notice, and it shall be at the discretion of the Director of Tourism, to auction/dispose off the same. The Shack license/deck-bed permission shall also be liable for cancellation. ***Besides, the concerned person/party shall be penalized by levying fine on the spot to the tune of Rs.500/- per pair of Deck-Bed/ Umbrella/Chair/Table placed on the beach stretches.***

16. Where the number of eligible applicants are more than the number of Shacks permitted on any particular beach, the selection shall be decided by draw of lots. ***The selection of site shall also be done by draw of lots.***

(a) ***90% of the Shacks shall be allotted by draw of lots to those applicants who are having past experience.***

(b) The remaining 10% shall be allotted by draw of lots from among the new applicants who have no prior experience.

313(A)

In case there is any fraction arising while arriving at 90% figure, the benefit of the fraction shall go to higher side only if the fraction is 0.5 and above.

In those stretches where the number of Shacks is 5 or less allocation preference shall be to holders of experience.

Explanation:

i) For the purpose of experience, the applicant shall enclose copies of past permissions/valid document issued by the Tourism Department only. No other documents shall be accepted.

ii) Permissions issued in the name of a person who is deceased shall be allowed for the purpose of experience in case the applicant is the spouse of the deceased person or in his/her absence a legal heir.

17. ***A list of all successful Shack allottees for 2010-11 shall be endorsed*** among others to the (i) Excise Department (ii) Police incharge of the area (iii) Electricity Department (iv) Health Department (v) Food and Drugs Administration (vi) Fire Services (vii) Dy. Collector of the area (viii) Member Secretary, GCZMA.

The Applicants licences/ N.O.C's shall be cleared by the respective Departments without delay, the activity being seasonal.

18. The Shack shall be dismantled and all the materials used for its erection including the kitchen equipments/furnitures etc. shall be removed within three days of expiry of the permission (including disconnection of Temporary electric supply, ***water connection*** if obtained) once the season is over. The area shall be cleared and cleaned up without leaving any dirt/discarded material at the site. In case the allottee fails to remove the structure within three days of the expiry of the Permitted period, he/she would be debarred from applying for permission either in his own name or in the name of his close family members whose name figure in the Ration Card for a period of five years from the date of committing breach of the condition.

If due to any adverse weather conditions or beach protection or any such work / activity in public interest, needs to be carried, Director of Tourism may withdraw any permission for Deck-beds/Shack license before the specified date and in such cases, allottee/permission holder will not be liable for any compensation.

19. Each successful applicant shall furnish a refundable security deposit of **Rs.5,000/-** in the form of **"Banker's Cheque"** drawn in favour of **Director of Tourism payable at Panaji** only from State

Bank of India, Panaji before issue of permission. The deposit made by the applicant shall be refunded after the expiry of permission period and after the removal of structure and certificate obtained from the Designated Authority that the structure has been removed and land has been returned to its original form. In case of default, the Security Deposit made by the applicant shall be **forfeited to Government Treasury** and necessary work of removal shall be undertaken by the Government at the cost and risk of the applicant and excess amount if incurred shall also be recovered from the applicant after adjusting the Security Deposit.

20. The activity in the Shack shall be restricted to sale of food items and non-alcoholic beverages and not for any other purpose. For sale of any alcoholic beverages, necessary license shall have to be obtained by the allottee from the Department of Excise as per provisions of Excise law.

21. The Shack allotted shall not be Sublet under any circumstances. In case of subletting ***with documental evidence*** the Shack shall be demolished. Association with Lamanis, Masseurs, hawkers and sale/display of any other items other than food and beverages shall not be permitted.

22. The applicant **should not have any criminal record.** A Certificate of **antecedents** from the Police Department shall be obtained by the Department, if required.

23. Applicant should not be involved in any illegal activities, including **trafficking in drugs, immoral activities, pedophilia**, etc. and it shall be applicants responsibility to report any such cases noticeable, to the Police or the Tourism Department.

24. The Shack allottee shall not discharge dirty water, liquid, sewage from the toilets garbage or any dry waste on the beach, or into the sand. The Shack allottee will be required to maintain **two dust bins, one for biodegradable waste with a lid and the other for non-biodegradable waste. Each allottee will also maintain a container to collect the waste water generated from washing,** etc.. The concerned Village Panchayat/ Municipality shall collect and dispose of the respective wastes for which necessary fees shall be paid by the Shack allottee. **A log book** shall be maintained by the allottee in which the date and time of collection of the garbage shall be recorded and signatures of both the parties obtained with rubber stamp. **A mechanized beach cleaning system is in process of being implemented and the Shack allottees shall assist them as and when required.**

25. The Shack allottee will be required to compulsorily keep toilet facility which as far as possible be chemical mobile toilet for their

3154 (A)

respective Shack. The Shack allottees shall tie up with the respective agencies for day-today maintenance and cleaning of the mobile chemical toilet.

26. Area surrounding the Shack must be kept clean by the Shack allottee. Burning or burying of waste/garbage in any form is not allowed. In case, any dirt/garbage, fire wood, charcoal, etc. is found behind the Shack or nearby or in the bushes/ vegetation/dunes, the Permission of the Shack will be liable for cancellation and Shack shall be demolished at the risk and cost of the Shack allottee.

27. The Shack allottee shall be allowed to display only one board indicating list of food-items/ rates within their Shack. In no case more boards shall be allowed. In case of violation, the boards shall be confiscated without any Notice. Further, each allottee shall obtain potable water for their use from certified sources only.

28. The Shack allottee shall have no discrimination for entering into the Shack against any person based on Nationality or any other such factors, and allotment is liable for cancellation in case of such complaints received, after due verification.

29. **In addition, the Department shall provide a flex sticker with the wording "Approved by the Department of Tourism" and with its logo "Go Goa a Perfect Holiday Destination" and Shack number and location of the Shack printed on it along with the photograph of the Allottee to be displayed prominently in front of the Shack.**

30. The Department reserves the right to make adjustment as regards to demarcation of Shacks depending upon the site condition/availability of space.

31. **No foreigners** shall be permitted to work in any Shack without Work Visa.

32. **No smoking and No spitting** board with the wordings "Say No to Tobacco" "Yes to Life" to be compulsorily displayed by each Shack allottee within the Shack and shall observe the rules and regulations under the Goa Prohibition of Smoking and Spitting Act, 1997. Further, the permission issued by the Department of Tourism should be displayed within the Shack premises which should be visible to the guests/authorities at all time.

33. **Timing for operation of Shack shall be from 7.00 a.m. to 11.00 p.m. and no loud music shall be played beyond 10.00 p.m.**

34. The Shack allottee shall take due care not to disturb any existing sand dunes and pioneer beach vegetation covering the sand dunes and they shall be protected and conserved. Failure to protect and conserve the same the Shack allottee will be held responsible for violation of CRZ Notification, 1991 and action shall be initiated against the violators including cancellation of the Permission.

35. **<u>As far as Morjim Beach is concerned</u>:**

The allottee shall not allow the following after sunset (i.e. after 6.00 p.m.).

a) Operation of Shack & related activities like placing of deck beds.
b) Artificial lighting.
c) Playing of loud music.

The Shack allottee shall inform any incidents of nesting, and shall actively co-operate with the protection staff, in protection of turtle, turtle nesting site, turtle eggs hatching etc.

36. **PERMISSION FOR ERECTION OF SHED FOR WATER SPORTS OPERATORS.**

Those who are interested to put a Shed to store their equipments/operate Water Sports Activities within the marked zone for the purpose, shall be permitted on payment of a fee of **Rs.20,000/-** in the form of **Demand Draft drawn on State Bank of India, Panaji in favour of Director of Tourism, payable at Panaji** for a area not more than 10 mtr. x 10 mtr. and they shall submit a refundable Security Deposit of Rs.5,000/- in the form of **"Banker's Cheque"**. The permission shall be valid for the tourist season only from October' 2010 to 31st May 2011. They should vacate and clear the site within three days from the date of expiry of the permission. The Water Sports activities should be carried out only within the demarcated area and the operator should be registered under the Tourist Trade Act, 1982 with the Department of Tourism (copy of a valid Certificate to be enclosed). **For operation of Water Sports activities, queue (Q) system shall be followed for which separate guidelines are being issued.**

The application for the said request will be considered on first come first serve basis and allocation depends purely on site condition.

37. **PERMISSION FOR ERECTION OF BASE STATION, BEACH WATCH TOWERS ETC..**

The Department's Life Safety Scheme shall have priority in erection of Base Station, Beach Watch Towers and Storage of all required

375(A)

equipments. Similarly, the Department shall be at liberty to allow erection of beach nodal centres for protection of Children's Rights.

38. **PROPER AREA TO BE MAINTAINED FOR BATHING ZONE.**

This Department shall demarcate the area for bathing and the same has to be strictly followed and no other activities to be carried out/allowed taking into consideration the safety of tourists.

39. **PROPER AREA TO BE MAINTAINED FOR FISHING.**

This Department does not allow any activities / permission in the area where fishing activities are carried out.

40. Removal of difficulties: In case of any difficulty arising in the implementation of the Policy 2010-2011, the decision of the Director of Tourism shall be final.

Failure to comply with any of the above conditions and furnishing of incorrect information, if any by the allottee shall lead to cancellation of the Permission without Notice and demolition of the Shack at the risk and cost of the allottee and the amount deposited as Fees/Security Deposit shall be forfeited and deposited to Government treasury.

(Format for Affidavit for the identified Beach stretches of Goa)

A F F I D A V I T

I, _____ son/wife of _____
(Name of the Applicant)

_____ residing at _____
(Full residential address with house/ward no. of Village Panchayat concerned)

_____

do solemnly affirm and state as under:-

1. That I have submitted application to the Department of Tourism, Patto, Panaji, for the grant of permission for putting up a Temporary Shack at _____ Beach from October 2010 to 31st May, 2011 in the prescribed form.

2. Neither I nor my 'family' is directly or indirectly engaged in any business, vocation or profession or any service in Government or Private.

3. That I shall abide by the **"Terms and Conditions"** governing the grant of permission for erection of Temporary Shack read with beach Shack Policy 2010-11 and Hon'ble High Court Orders in Writ Petition No.167/2007 and all other Orders relating to the erection of Shacks, Deck-Beds and Umbrellas passed from time to time.

4. That in the event I am successful in securing permission for erection of Temporary Shack, I undertake to abide by the local laws including that of the Village Panchayat / Municipality, Health Department' Food & Drugs Administration (FDA), Fire Services, Excise Department, Electricity Department, Police Department, Commercial Taxes etc. and shall obtain requisite license for erection and carrying out of business of serving food and beverages.

5. That I will procure and maintain a mobile toilet adjacent to my shack for the convenience of customers / tourists.

6. That I shall supply drinking water to the customers / tourists meeting FDA standards.

7. That in the event of any complaint received against me with documental proof of having any other business in operation, the permission granted for operation of Shack shall be surrendered by me.

8. That in the event of allotment of shack in my favour, no foreigner shall be permitted to work in shack without work visa and that in case of violation of the terms and conditions, the permission shall be cancelled.

9. That I have not been convicted of any criminal offence as of date of application.

10. That I agree to accept the location that will be allotted to me by Department of Tourism based on the site plan and / or as per the site condition and shall erect the shack at the allotted / demarcated site only. I am aware that in case of violation of the **"Terms & Conditions"**, the permission shall be cancelled and the fee paid shall be forfeited to Government Treasury and the shack shall be demolished at my risk and cost.

11. That I agree to assist the lifeguards on duty for safety of lives as and when required.

376(A)

12. That I agree to assist Department of Tourism and the Police or NCB in reporting suspicious activities along the beaches such as pedophilia, peddlers in banned substances.

13. That I agree to prevent activities such as of the lamanis, beggars, masseurs, touts, hawkers etc. from and around the Shack, if allotted.

14. That I am fully aware of my responsibilities towards keeping the environment clean and hygienic and free from all kinds of pollution.

15. That I am aware of the Anti Smoking and Spitting law inforce in Goa.

16. That I am aware that in case any information submitted by me as above is found to be incorrect, the permission granted to me shall be cancelled and the permission fee paid shall be forfeited to the Government Treasury.

DEPONENT

(Format for Affidavit for Morjim Beach)

A F F I D A V I T

I, _____ son/wife of _____
(Name of the Applicant)

_____ residing at _____
(Full residential address with house/ward no. of Village Panchayat concerned)

_____

do solemnly affirm and state as under:-

1. That I have submitted application to the Department of Tourism, Patto, Panaji, for the grant of permission for putting up a Temporary Shack at _____ Beach from October 2010 to 31st May, 2011 in the prescribed form.

2. Neither I nor my family is directly or indirectly engaged in any business, vocation or profession or any service in Government or Private.

3. That I shall abide by the **"Terms and Conditions"** governing the grant of permission for erection of Temporary Shack read with beach Shack Policy 2010-11 and Hon'ble High Court Orders in Writ Petition No.167/2007 and all other Orders relating to the erection of Shacks, Deck-Beds and Umbrellas passed from time to time.

4. That in the event I am successful in securing permission for erection of Temporary Shack, I undertake to abide by the local laws including that of the Village Panchayat, Health Department, Food & Drugs Administration (FDA), Fire Services, Excise Department, Electricity Department, Police Department, Commercial Taxes etc. and shall obtain requisite license for erection and carrying out of business of serving food and beverages.

5. That I will procure and maintain a mobile toilet adjacent to my shack for the convenience of customers / tourists. I am aware that in case of failure to do so, the permission granted to me shall be cancelled.

6. That I shall supply drinking water to the customers / tourists meeting FDA standards.

7. That in the event of any complaint received against me with documental proof of having any other business in operation, the permission granted for operation of Shack shall be surrendered by me.

8. That in the event of allotment of shack in my favour, no foreigner shall be permitted to work in shack without work visa and that in case of violation of the terms and conditions, the permission shall be cancelled.

9. That I have not been convicted of any criminal offence as of date of application.

10. That I agree to accept the location that will be allotted to me by Department of Tourism based on the site plan and/or as per the site condition and shall erect the shack at the allotted/demarcated site only. I am aware that in case of violation of the **"Terms & Conditions"**, the permission shall be cancelled and the fee paid shall be forfeited to Government Treasury and the shack shall be demolished at my risk and cost.

11. That I agree to assist the lifeguards on duty for safety of lives as and when required.

377(A)

12. That I agree to assist Department of Tourism and the Police or NCB in reporting suspicious activities along the beaches such as pedophilia, peddlers in banned substances.

13. That I agree to prevent activities such as of the lamanis, beggars, masseurs, touts, hawkers etc. from and around the Shack, if allotted.

14. That I am fully aware of my responsibilities towards keeping the environment clean and hygienic and free from all kinds of pollution.

15. That I am aware of the Anti Smoking and Spitting law inforce in Goa.

16. That I agree to erect the Shack away from the water and towards the sand dunes, close to vegetation, so that free movement of visitors is not obstructed in any way.

17. That I agree to erect the shack in the North-Western part of the protected area of the beach as indicated in the plan drawn by the Department of Tourism.

18. That I agree not to allow the following after sunset (i.e. after 6.00 p.m.):

    a) Operation of Shack & related activities like placing of deck beds
    b) Artificial lighting
    c) Playing of loud music

19. That I agree to inform Forest Department (Range Forest Officer), Pernem on Tel. No.2201367 & Police (Pernem) on Tel. No.2201233 / 2201065 any incidents of nesting, and shall actively co-operate with the protection staff, in protection of turtle, turtle nesting site, turtle eggs hatching etc.

20. That I am aware that in case any information submitted by me as above is found to be incorrect, the permission granted to me shall be cancelled and the permission fee paid shall be forfeited to the Government Treasury.

DEPONENT

Department of Tourism
Patto, Panaji – Goa
Trade Section

Exb-R-4
378

Dated:24.12.2010

NOTIFICATION

Further to Notification No.5/3(115)/03-DT/1007 dated 23.06.2003 regarding Goa Boat rides and Water Sports Activity Guidelines, 2003, published in Official Gazette, Series 1 No.12 dated 23.06.2003 & Notification No.6/4(59)/2005-DT/ dated 30.09.2005 regarding Goa Tourist Places (Protection & Maintenance) (Boat rides/Parasailing & Water Sports Activities) Rules 2005, published in Official Gazette, Series 1 No. 26 dated 30.09.2005. Department of Tourism, Government of Goa, based on the recommendation of the Committee and report by Drishti Special Response Services Pvt. Ltd., Panaji - Goa, is pleased to notify the following places/beaches for operation of Water Sport activities in the State of Goa.

NORTH GOA

Sr. No.	Name of the beach/place	Exact Location
01.	Keri Beach (South)	From bench mark 200mts towards South is for bathing further 200m towards South is for Water Sports/Parasailing
02.	Mandrem Beach	From bench mark leaving first 200m, next 200m towards South is bathing next 200m is identified for Water Sports
03.	Morjim (Vithaldas Wada)	From bench mark entrance to beach 100m (South) for bathing and further 200m identified for Water Sports
04.	Anjuna	---
05.	Baga	---
06.	Calangute Beach	In front of Chariston hotel is identified for bathing zone further 200m towards (North) is identified for Water Sports/Parasailing
07.	Candolim	From bench mark leaving 100m (North), the next 300m identified for Water Sports/ Parasailing
08.	Sinquerim beach	200m (North) from Taj Village is identified for Water Sports
09.	Coco Beach	---
10.	Panaji - Near Mandovi Bridges	Below Mandovi Bridge
11.	Caranzalem Bay	200m towards North (Miramar – in front of NIWS) for Water Sports
12.	Dona Paula Bay	Water Sports near jetty
13.	Bambolim Beach	From bench mark leaving 50m towards North, the next 100m identified for Water Sports

14.	Siolim	---
15.	Vaiguinim Beach	Area in front of existing warning board 200m is identified for Water Sports

379

SOUTH GOA

01.	Baina Beach	---
02.	Bogmalo	From lifeguard stand 100m to the right is bathing zone and next 200m is identified for Water Sports
03.	Arossim Beach	300m to the South is identified for Water Sports
04.	Majorda Beach	From the entrance to the beach leaving 150m to the North, next 200m is identified for Water Sports
05.	Betalbatim Beach (In front of Nanu Beach Resort)	Entrance of beach 100m on either side is bathing zone, next 200m towards North is identified for Water Sports
06.	Colva Beach	From lifeguard stand 100m on either side is for bathing leaving just 100m, the next 200m to the North is for Water Sports
07.	Benaulim Beach (In front of Taj Exotica)	From approved road on Northern side of Taj Exotica Hotel, 100m to North is identified for bathing and next 200m South of bench mark is identified for Water Sports
08.	Benaulim Beach	From Life Guard stand 200m to the Northern side is identified for Water Sports
09.	Benaulim Beach (in front of Raddisons White Sand Resorts)	From approach through the Hotel leaving 50m towards South, the next 200m can be used for Water Sports
10.	Varca Beach (In front of Ramada Caravela Beach Resort)	From the approach to the beach from the Hotel 100m on either side is identified for Water Sports
11.	Mobor Beach	Northern side of Leela Beach Resort 200m to South is identified for bathing and next 200m after bathing zone is identified for Water Sports
12.	Cavelossim Beach (In front of Dona Silvia)	100m on either side of the Hotel is identified for Water Sports
13.	Palolem Beach	From existing life Guard stand leaving 200m towards the South, the next 200m is identified for Water Sports
14.	Rajbaga Beach	Leaving 200m from the river the area upto entry point of Intercontinental Resort is identified for Water Sports

All the places in North Goa and places from Sr. No.1 to 12 in South Goa are recommended by Committee Constituted by the Government vide Notification

No.5/3(115)03-DT/1869 dated 28.08.2003, for the purpose of identifying the Swimming, Boat rides and Water Sports Activities at Sea Coats and Inland Water Ways. Whereas places at Sr. No.13 & 14 in South Goa are recommended/Identified by Drishti Special Response Services Pvt. Ltd., Panaji, appointed by the Government for demarcation of Water Sports Zone at Rajbaga & Palolem vide Order No.7/5(125)/misc iv/08-DT/3582 dated 22.12.2008.

All Water Sports related activities along the Sea Shore or Inland Water Ways shall be confined to areas as identified/notified

The Water Sports will not be permitted/allowed in the bathing areas identified by the Committee & published in local dailies viz, Sunaprant dated 01.11.2003, Gomantak (Marathi) dated 02.11.2003 & Gomantak Times (English), dated 01.11.2003.

As decided at the meeting called under the chairmanship of the Chief Secretary Shri S. K. Srivastava, on 23.12.2010 at 12.30 p.m. all the operators who enter the bathing zones created with floating buoys will end in loosing licence permanently.

By Order and in the name of
the Governor of Goa

(Swapnil M. Naik)
Director of Tourism &
Ex-Officio & Jt. Secretary to the
Government of Goa

Exb. R-5
381

The Goa Registration of Tourist Trade (Amendment) Act, 2011

(Goa Act 7 of 2011)

An

Act

382

The Goa Registration of Tourist Trade (Amendment) Act, 2011
(Goa Act 7 of 2011)
[10-06-2011]
An
Act

Further to amend the Goa, Daman and Diu Registration of Tourist Trade Act, 1982. (Act 10 of 1982).

Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-second Year of the Republic of India, as follows:-

1 **Short title and commencement** – (1) This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 2011.

(2) It shall come into force on such date as the Government may, by notification, in the official Gazette, appoint.

2 **Amendment of section 2.** – In section 2 of the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982) (hereinafter referred to as the "principal Act"), -

(i) the existing clauses (a) and (aa) shall be re-numbered as clauses (aa) and (aaa) respectively and before clause (aa) as so re-numbered, the following clause shall be inserted, namely:-

"(a) 'adventure sports operator' means a person operating adventure sports, such as, aero sports, go-carting, bunky jumping, wind surfing, paragliding, hot air balloon etc ;";

(ii) in clause (aa), so re numbered for the words "and canoe", the figure and words "parasailing and canoe" shall be substituted;

(iii) in clause (g), after the words "label on the articles" and before the words "failure to give cash memos" the expression "operation of water sports by a water sports operator without Certificate of Registration or without safety equipment on the vessel, charging of more fees by the tourist taxi operator than the one specified for the purpose" shall be inserted;

(iv) after clause (j), the following clauses shall be inserted, namely:-

"(jj) 'spice plantation' means a place where tourists visit and can get first hand information and view of spice plants/trees on payment of monetary consideration".

"(jjj) 'tourist taxi operator' means a person or firm operating motor vehicles for tourists on rental basis and for which permission has been granted by the Transport Department".

(v) after clause (kk), the following clause shall be inserted, namely:-

"(kkk) 'tour operator' means a person or a firm operating or conducting sight seeing or individual tours to the tourists for which licence has been issued by the Transport Department".

(vi) after clause (n), the following clause shall be inserted, namely:-

"(nn) 'water sports operator' means a person operating boats/parasailing/jetskii/kayaking/canoeing/rafting/scuba diving, etc, to tourists and includes water sports equipment dealer.".

3 **Amendment of section 10.**– In section 10 of the principal Act, in sub-section (i), after clause (d), the following clause shall be inserted, namely:-

"(e) if the hotel-keeper has failed to renew the certificate within a period of one month from the date of its expiry".

4 **Insertion of new section 10A .** – After section 10 of the principal Act, the following section shall be inserted, namely:-

10A **Closure of hotel.** - If the holder of a certificate issued under section 8 of this Act intends to close down his business in the premises during the period of validity of the certificate, he shall inform the same to the prescribed authority in writing at least fifteen days prior to the date on which he actually intends to close down the business alongwith original certificate".

5 **Amendment of section 17.** - In section 17 of the principal Act, in sub-section (i) after clause (d), the following clause shall be inserted, namely:-

"(e) if the travel agent has failed to renew the certificate issued under section 15 of this Act, within a period of one month from the date of its expiry".

6 **Insertion of new section 17A** - After section 17 of the principal Act, the following section shall be inserted, namely:-

"17A **Restrictions on travel agent to function as recruiting agent** - No travel agent registered under this Act shall commence or carry on any business of recruitment for an employer or by representing such employer with respect to any matter in relation to such recruitment including dealing with the persons so recruited or desiring to be recruited unless he/she has obtained a certificate from the registering authority under the Emigration Act, 1983 (Central Act 31 of 1983)".

7 **Insertion of new Chapter IV A.** – After chapter IV of the principal Act, the following chapter shall be inserted, namely:-

"CHAPTER IV - A

Registration of Tour Operators, Water Sports and Adventure Sports Operators, etc,.

19 A. Registration. - (1) No person shall, in the tourist area, carry on the business of a tour operator, water sports operator, adventure sports operator, spice plantation or of providing temporary huts for the purpose of accommodation, unless he is registered in accordance with the provisions of this Act.

(2) Every person intending to start business under sub-section (1) shall apply for registration to the prescribed authority in the prescribed manner, alongwith prescribed fee.

(3) Notwithstanding anything contained in sub section (2), any person already engaged in any of the business as specified under sub-section (1) shall apply for registration within three months from the date of commencement of the Goa Registration of Tourist Trade (Amendment) Act, 2011.

(4) Every application made under sub-sections (2) or (3) as the case may be, disposed off within a period of one month from the date of receipt of the application.

19 B. Certificate. - The prescribed authority shall, unless registration is refused under section 19D, direct that the name and particulars of the person starting business as specified in sub-section (1) of section 19A, be entered in the register maintained for the purpose and issue a certificate to the person in the prescribed form subject to such terms and conditions and on payment of such fees as prescribed.

19 C. Renewal of Certificate of Registration. - (1) The certificate of Registration issued under section 19B shall be valid for a period of one year from the date of issue and shall be renewable before its expiry on payment of fees as prescribed.

19 D. Refusal to register:- (1) The prescribed authority may refuse to register the business as specified in sub-section(1) of section 19A on any of the following grounds, namely:-

(a) if the applicant does not possess essential requirements or qualifications as prescribed;

(b) if he has been convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (45 of 1860) or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling, profiteering, adulteration of food or drugs, or corruption and a period of two years have not elapsed since the termination of the sentence imposed upon him;

(c) if he has been declared as an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if registration is refused to him and a period of three months have not been elapsed from the date of refusal;

(e) if in the opinion of the prescribed authority there is sufficient ground to be recorded in writing, for refusing registration.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard".

8 <u>Amendment of section 22</u> - In section 22 of the principal Act,-

(i) for the words " travel agent", the expression "travel agent or as mentioned in sub-section (i) of section 19A" shall be substituted;

(ii) for the letters and figures "Rs.10,000/-" the letters and figures "Rs.1,00,000/-", shall be substituted.

Explanation – A person who has made an application for renewal of certificate before the date of its expiry and if the same is pending disposal then he shall not be a defaulter for the purposes of this section".

9 **Insertion of new section 25A** – After section 25 of the principal Act, the following section shall be inserted, namely:-

"25A. Penalty for unauthorized sale, etc. - Any person who indulges in selling any articles, materials, etc, in any tourist area, without any licence or permission under any law for the time being in force, then such articles, materials, goods, etc, shall be confiscated by the officials authorized by the Government and the same shall be returned only on payment of minimum fine of Rs.10,000/- which may extend to Rs.25,000/- In the event of non-payment of fine, such confiscated articles, materials, goods etc, shall be disposed of by a public auction and the proceeds thereof shall be deposited in the Government Treasury. An inventory of all the confiscated items shall be maintained by the official confiscating the same".

10 **Amendment of section 27.** – In section 27 of the principal Act, for the letters and figures "Rs.2,000/-", the letters and figures "Rs.10,000/-" shall be substituted.

11 **Amendment of section 28.** – In section 28 of the principal Act, in sub-section (1), for the letters and figures "Rs.10,000/-", the letters and figures "Rs.20,000/-" shall be substituted.

Exb. R-6

390

IN THE HIGH COURT OF BOMBAY AT PANAJI GOA

Writ Petition No 216/2011

Big Blue Water Sports .... Petitioner

V/s

The Department of Captain of Ports ....Respondent

AFFIDAVIT IN REPLY

I, Mr. Swapnil Naik, major of age, Indian National, presently posted as the Director of Tourism, Directorate of Tourism, Government of Goa, having my office at Panaji, Goa, do hereby on solemn affirmation state and submits as under:

1. I am filing this affidavit for the limited purpose of placing facts on record regardingimplementation of queue system in beaches other than Sinquerim beach referred to in affidavit dated 20.06.2011 of Mr.Jamcs Braganza, Captain of Ports, Government of Goa. I have not specifically traversed each and every paragraph of the Petition. Any averment not specifically answered may therefore not be deemed to be admitted, since the reply is limited.

2. I say that the Department of Tourism has in order to have control and regulate the Water sports activities along the beaches of North and South Goa through the Department or the agency engaged for the same purposes.

3. I say that the Government has amended The Goa Registration of Tourist Trade Act, 1982. By way of Amendment, Chapter IV-A has been inserted in the said act making provisions for Registration of Tour Operators, Water Sports and Adventure Sports Operators, etc.

4. I say that the Petitioner in the present petition has raised grievance limited to Sinquerim Beach only. I say that it was the long waited objective of the department to implement Queue system at all beaches and/or water sports activity sites in the state of Goa.

5. I say that the Department is in process of framing rules and regulations for establishment and operations of Queue system. I further state that the same will be brought into effect alongwith Tourism Policy of 2011-2012.

6. I say that the water sports activities throughout all beaches and/or water sports sites will be monitored completely by the Department or the agency engaged for same purposes.

7. I say that in the commencing tourist season of 2011-2012, the Department will ensure that queue system is followed and will take necessary action in accordance with law if there is breach of conditions and/or rules and regulation to be framed and/or any orders issued by the Department from time to time.

8. I say that in the circumstances the grievance of Petitioner do not survive any longer.

9. I say that whatever stated in the contents of para 1(pt) to 6 are based on records and the contents of remaining paras are legal submissions.

Solemnly affirmed on this 29th Day of June 2011.

DEPONENT

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 216 OF 2011

BIG BLUE WATER SPORTS REP. BY ITS PROPRIETOR MR. JOSE PAULO SILVEIRA., ... Petitioner

Versus

THE DEPARTMENT OF CAPTAIN OF PORTS THROUGH ITS CAPTAIN., ... Respondent

Shri Ressano De Noronha, Advocate for the Petitioner.
Shri S. S. Kantak, Advocate General with Shri Preetam Talaulikar, Additional Government Advocate for the Respondent.

Coram:- S.A. BOBDE & F. M. REIS, JJ.

Date:- 30th June, 2011

P.C.:-

Originally this petition pertains to Sinquerim beach.

Shri S. S. Kantak, learned Advocate General has tendered an affidavit of the Director of Tourism one Swapnil Naik that the "Queue System" will be implemented throughout the State of Goa.

In this view of the matter there is no reason to entertain this petition any further.

The statement is accepted and the petition is disposed of in the above terms.

S.A. BOBDE, J.

F. M. REIS, J.

RD.

Ex D-R-7
1997
394

Reg. No. GR/RNP/GOA/32

2003 YEAR OF THE CHILD

RNI No. GOAENG/2002/6410

Panaji, 23rd June, 2003 (Ashadh 2, 1925)

SERIES I No. 12

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 3

GOVERNMENT OF GOA

Department of Tourism

Directorate of Tourism

Notification

5/3(115)2003-DT/1007

The Government of Goa is hereby pleased to frame the following guidelines for registration and regulation of boat rides and watersports activities on rivers, lakes in the State of Goa and also on sea along the coast of Goa.

1. *Objectives.*— These guidelines aim at registering and regulating boat rides and watersports activities and running of such activities in accordance with provisions of law as in force in the State of Goa.

2. *Short title and commencement.*— (1) These guidelines may be called the Goa boat rides and watersports activities guidelines, 2003

(2) They shall come into force with immediate effect.

3. *Permission for running boat rides/ /watersports activities.*— (1) Every operator of boat rides or watersports activity in the rivers, inland waters and lakes shall obtain due permission from the Captain of Ports.

(2) Every operator of boat rides or watersports activity in the sea along the coast shall obtain permission from the Mercantile Marine Department for operation of the vessel in the sea.

4. *Other requirements.*— (1) No objection certificate shall be obtained from the Mormugao Port Trust if any boat ride or watersports activity is to be operated within or has to transit through the jurisdiction of Mormugao Port Trust.

(2) No objection certificate shall also be obtained from the Department of Fisheries and/ /or the Department of Water Resources, as the case may be if any boat ride or watersport activity is to be operated either in the river lake or sea along the coast. N.O.C./Licence from concerned local body if required by law shall also be obtained.

(3) Those watersports equipment not requiring licence or certification either from the Mercantile Marine Department or the Captain of Ports, will require certification from National Institute o Water Sports (NIWS) Caranzalem or any othe agency approved by Government of Goa Department of Tourism.

(4) The operator/applicant shall produce to th Department of Tourism, Government of Goa pro regarding insurance of the passengers as p the capacity of the boat/equipmen to the extent of atleast Rs. 2.00 lakh p passenger.

(5) All life saving equipment as required by the Competent Authority must be made available on board, or at the bank/beach, as the case may be.

(6) The applicant shall produce a certificate issued by N.I.W.S., or Captain of Ports or M.M.D. as the case may be, showing that the crew have been trained for (a) manning and operating the boat/equipment; (b) life saving techniques.

(7) Registration Number plate for a specific boat/equipment shall be obtained through the Department of Tourism at the cost of the operator and prominently affixed at a place on the boat/equipment to be specified by the Department.

(8) Capacity of the boat as certified by the Mercantile Marine Department/Captain of Ports/ National Institute of Water Sports shall be mentioned in the registration Number Plate and complied with strictly.

(9) Area of operation shall be clearly specified by the operator as per permission obtained from the Captain of Ports or Mercantile Marine Department and the same shall be strictly followed for the activity.

(10) The watersports activity shall be operated in the specified/earmarked area only and within visual range.

(11) The registration certificate shall be made available on board at all times.

(12) The registration shall be valid for one year only.

(13) All safety norms prescribed by the Competent Authority and all the norms specified in the booklet "Safety Norms for Watersports" issued by Ministry of Tourism, Government of India shall be strictly adhered to at all times.

(14) The period and hours of operation as specified in the permission shall only be allowed.

5. *The watersports activities that are to be operated.*— (a) *Boat rides/water scooters:* from jetty or ramp where embarkation and disembarkation of passengers can be carried out safely.

(b) *Parasailing:* In specially marked areas of the beach/sea/river.

(c) *Jet ski:* In well defined areas beyond normal swimming and watersports area.

(d) *Water skiing & fun rides using powerboat:* outside the swimming areas of the beach/water body.

(e) *Windsurfing & Dinghy, Kayaking & Canoeing, and Sailing:* In clearly marked areas and within the visual range of the rescue boat driver.

6. *Fees for registration of the boat/equipment/ /activity.*—

1.	Tourist Boats	Tourist Boats and launches carrying	Fees
		1 – 5 pax	Rs. 1000
		6 – 12 pax	Rs. 1500
		13 – 50 pax	Rs. 2500
		51 pax and above	Rs. 5000
2.	Water sports	Water scooters	Rs. 500 per scooter
		Water skiing	Rs. 200 per equipment
		Para sailing	Rs. 1000 per equipment
		Jet ski	Rs. 1000 per equipment
		Kayaking/ /Canoeing/ /rafting	Rs. 500 per equipment
		Scuba diving	Rs. 1000 per equipment
		Wind surfing & Dinghy sailing	Rs. 5000 per equipment
		Any other	Rs. 1000 per equipment

7. *Penalty.*— In the event of breach of any of the conditions specified in the permission or these guidelines, the registration shall be liable to be cancelled/withdrawn.

By order and in the name of the Governor of Goa.

N. Suryanarayana, Director of Tourism & ex officio Joint Secretary.

Panaji, 23rd June, 2003.

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IN THE HIGH COURT OF BOMBAY
AT GOA.

WRIT PETITION NO. 405/1997 WITH MISC. CIVIL APPLICATION NO.572/1997 IN WRIT PETITION NO.492/1996.

Mr. Dinanath Narayan Mhamal,
resident of Mandrem, Pernem,Goa. ... Petitioner.

Versus

1. State of Goa,
Through the Secretary,
Tourism, Secretariat,
Panaji, Goa.

2. Director of Tourism,
Near Patto Bridge,
Panaji, Goa. ... Respondents.

Mr. J.E. Coelho Pereira, Senior Advocate with Mr.S.Karpe, Advocate for the Petitioner.

Mr. H.R. Bharne, Government Advocate for the Respondents.

Mr. J.P. D'Souza, Advocate for the Intervenors.

Coram: R.M. Lodha &
R.K. Batta. JJ.

Date: 23rd December, 1997.

ORAL JUDGMENT: (PER LODHA, J.)

"Goa" is projected as 'the perennial paradise' by the Department of Tourism, Government of Goa. Some consider Goa as place with sundrenched beaches while others like it for its natural beauty and surroundings. 'Goa' is dream destination once in life for any traveller and for many a place to visit many times. It is, therefore, not surprising that the tourists visiting Goa in the year 1996 were almost as much as its population. Beaches of Goa are main attraction

COURT OF JUDICATURE AT BOMBAY PANAJI

for tourists, both domestic as well as foreign and according to the report of study on tourism industry in India prepared by the Directorate of Tourism, Government of Goa, Panaji in the year 1994, 68% of domestic tourists ~~xxx attracted to Goa for its xxxxxxx~~ and 53% of foreign tourists are attracted for its attractive and pristine beaches. Beach shacks therefore, in the circumstances, have attained importance and seasonal allotment of beach shacks by the Department of Tourism, Government of India has in a way resulted in seasonal litigation before this Court.

2. Prior to the present petition filed by ~~xxx~~ Mr. Dinanath Narayan Mhamal, who is aggrieved by the State's inaction in not considering his application for grant of licence to operate beach shack at Mandrem for the seasonal year 1997/98, particularly for the period from October, 1997 to June, 1998, in the year 1996 one Mr. Cruz Cardozo filed a writ petition before this Court aggrieved by the State's inaction in not considering and granting him permission for setting up the shack at Cavelossim beach for the seasonal year 1996-97. The said writ petition was registered as Writ Petition No.492/96. The grievance of Mr. Cardozo in that Writ Petition was that he made an application to the Director of Tourism for granting him permission for putting up a shack (temporary stall) of size 10 m. x 7 m. at Cavelossim beach from 1st October, 1996 to June, 1997 and though he complied with all necessary conditions as laid down by the Directorate of Tourism and necessary no-objection certificate from concerned Village Panchayat, the Directorate of Tourism did not consider his applica-

tion nor granted him licence for running a shack as applied for by him. In the Writ Petition filed by Mr. Cardozo, affidavit-in-reply was filed by the State through the Director of Tourism and Court was informed that permissions for running shacks on beaches are granted in consultation with elected representatives of the area as they were in the best position to determine most deserving cases amongst them. The Writ Petition was heard by this Court and in the Judgment dated 3rd February, 1997, this Court disapproved the practice of allotment of shacks on beaches by the Directorate of Tourism in consultation with the elected representatives of the area and found that such practice was not proper ~~and disapproved the same~~ During the pendency of that Writ Petition, the Government framed the Guidelines and forwarded the same before the Court with the plea that in future sanctioning of the shacks on different beaches in Goa shall be done in accord with the Guidelines so submitted. The Division Bench took the said Guidelines on record and hoped and observed that the Guidelines submitted by the State and taken on record will be strictly followed for the purpose of sanctioning shacks on the beaches with objective assessment of situation without being carried away by political considerations. The Court hoped that the number and location of stalls fixed by the Government shallbe notified in advance for the information of public so that no further complaints would arise that licences are issued in capricious manner. In this background the Division Bench disposed of the Writ Petition on 3rd February, 1997 and directed the State Government to

consider the application of the petitioner therein, Mr. Cardozo in the light of the Guidelines placed on record as special case. For the ensuing year 1997-98, in terms of the Guidelines submitted by the State through Tourism Department before this Court, the Tourism Department undertook the exercise and found that 202 shacks could be permitted by granting licence on various beaches. Some of the beaches, were however assessed by the Director of Tourism as shacks free beaches. The Tourism Department, accordingly issued advertisement inviting applications in the prescribed format from local residents of the concerned area for those beaches where temporary shacks were to be permitted for the year 1997/98. The advertisement was published in all the local dailies on 15.9.97 and last date to receive the applications was fixed as 26th September, 1997. Pursuant to the said notice inviting applications, 482 applications were received. 50 applications out of these were by the applicants for installing shacks on those beaches which were decided to be kept free from shacks and therefore those 50 applications were not accepted by the Department of Tourism and returned to the applicants. Thus, 432 applications remained in all for scrutiny of 202 shacks to be allotted on various beaches. It would be pertinent to note that all the members of All Goa Shack Owners Association made applications pursuant to this notice. The Department of Tourism of the Government of Goa scrutinised all 432 applications and found that 210

applicants did not disclose the material facts required to be disclosed by them and therefore those applications were not found to be in order. In all 222 applications were found in order. The petitioner in Writ Petition No.405/97 Mr. Dinanath Narayan Mhamal also made an application for allotment of the shack at Mandrem beach and there is no dispute that the application filed by him has been found to be in order by the Department of Tourism while scrutinising all applications. It appears that before the licences could be granted in terms of the policy/ Guidelines to the applicants whose applications were found in order, All Goa Shacks Owners Association made a representation to the Government on 26th September, 1997 setting out their problems and hardships if the licences were given in accordance with the Guidelines submitted by the Government before this Court. Upon receipt of the letter/ objections from All Goa Shack Owners Association, the Cabinet appears to have modified the Guidelines by framing fresh Guidelines on the basis of the report received from one Committee headed by Shri Sitaram Naik, President of Goa Congress Committee. In terms of the modified policy/ Guidelines, persons who were granted permission for setting up temporary stalls/ shacks at the beaches during the tourist season 1996/97 would be granted permission for current season 1997/98 provided they were interested in setting up stalls. Since the petitioner Mr. Dinanath Narayan Mhamal despite application made by him which

was in order and in conformity and accord with the Guidelines submitted by the State Government before this Court found that his application is not being considered by the Department of Tourism, Government of Goa purportedly because of modified Guidelines, which according to him, were arbitrary and unconstitutional, apparently to distribute favours to those who were the favourites of the elected representatives has filed the present writ petition seeking a writ of mandamus from this Court, commanding the respondents to consider and/or grant licence to erect/instal a temporary stall for the tourist season 1997/98 ending on 15.06.1998. In the writ petition, the petitioner Mhamal has averred that the modified Guidelines have been framed on the basis of the Report submitted by Coastal M.L.As. to keep up the wishes of the elected representatives of the local area for awarding shacks to their favourites - a process which was earlier rejected by this Court vide its judgment dated 3.2.1997. According to the petitioner, the whole exercise by the respondents of framing modified guidelines is to circumvent the directions given by this Court in its earlier Judgment and the respondents intend to continue the grant of licence to those who were given licence in the last year for political gains. The petitioner, therefore, has set up the ground that these modified Guidelines suffer from the same vice which was disapproved by this Court in its earlier Judgment dated 3.2.1997.

3. Pursuant to the Rule issued by this Court to the respondents, affidavit-in-reply has been filed by Shri U.D. Kamat, Director of Tourism and Ex-Officio Joint Secretary to the Government of Goa. The facts relating to earlier Writ Petition filed by Mr. Cruz Cardózo, the earlier Guidelines submitted before this Court in Writ Petition No.492/96 for allotment of shacks on beaches in future including the current season of 1997-98 are not disputed. It is also not disputed that in accordance with the Guidelines submitted by the State Government in the earlier Writ Petition No.492/96, the survey was conducted and as per the survey, 202 shacks were assessed at those beaches where shacks were decided to be permitted. It is also averred that as per the said Guidelines submitted by the State Government in the earlier Writ Petition No.492/96 wherever the number of applicants was more than the number of shacks to be permitted on a particular beach, the selection was required to be done by the drawal of lots. In para 12 of the affidavit, the Director of Tourism has averred that in view of the representation made by All Goa Shack Owners Association, the council of ministers in its Cabinet meeting held on 12.11.97 after considering the report of the Committee set up to

consider the grievances, took a policy decision that the Guidelines previously framed and placed on record before this Court in Writ Petition No.492/96 required to be suitably modified in the public interest and accordingly the Cabinet decided to modify the Guidelines and for placing the same, application has been made before this Court for granting leave to the Government to place on record the modifiedGuidelines and for appropriate relief. The said application is registered as Misc. Civil Application No.592/97 and is being disposed of by us along with the present Writ Petition filed by Mr. Mhamal.

4. The petitioner has raised twofold contentions:

(1) That the modified policy placed on record by the Government in Misc.Civil Application No.592/97 suffers from arbitrariness and intended to favour those persons who for the year 1996/97 obtained the allotment of shacks on political considerations. In other words, the contention is that in the garb of modified policy, the Government seeks to circumvent the directions given by this Court in the earlier Writ Petition on 3.2.1997 and to favour those very persons who have political patronage. The modified policy therefore, according to the petitioner, cannot be said to be in public interest and deserves to be quashed; and

(2) That the petitioner's application which is in order and in accordance with the Guidelines submitted by the State before this Court in Writ Petition No.492/96 should be considered and if there are more

applicants then the number of shacks permissible at the Mandrem beach, then by drawal of lots the application should be decided.

5. Before we consider the aforesaid two contentions urged by learned senior counsel Mr. Pereira, appearing for the petitioner, we may observe that the State Government has made an application before this Court on 24.11.97 registered as Misc. Civil Application No. 572/97 in Writ Petition No. 492/96. By the said application, it is prayed that the State of Goa be granted leave to place on record the modified Guidelines and further relief that this Court may deem fit and proper. In the said application filed by the State Government, All Goa Shack Owners Association made an application for intervention and accordingly we heard Mr. J.P. D'Souza, Advocate appearing for the Association in the matter. Mr. J.P. D'Souza highlighted that the All Goa Shack Owners Association represents the traditional shack owners who have been running the shacks on beaches. He submitted that the Guidelines submitted by the State Government in Writ Petition No. 492/96 did not take into consideration the interest of traditional shack owners and the said Guidelines if implemented would have caused tremendous hardship to the traditional shack owners. The Government, in public interest, therefore, modified the policy and decided to grant licences to all those persons for the year 1997/98 who were granted licences in the year 1996-97. He, thus, submitted that the Government should be permitted to proceed and act in accordance with clause (1) of modified policy, though

Mr. D'Souza the learned counsel appearing for All Goa Shack Owners Association submitted that his clients do not agree with other clauses of the modified policy.

6. Mr. Bharne, the learned Government Advocate appearing for the State, urged that the case of the respondents is duly reflected in the affidavit filed by Shri U.D. Kamat, Director of Tourism and that he has nothing further to add. According to him, the counter affidavit by Shri U.D. Kamat in the Writ Petition and the facts stated in Misc. Civil Application No.572/97 made by the State Government are self explanatory and the stand of the State Government is duly discernible therefrom.

7. It appears that shacks on beaches are being allotted by the State Government every season on temporary basis. Prior to theGuidelines filed in the earlier Writ Petition No.492/96 there was no definite Guidelines framed and formulated by the State Government for allotment of shacks on beaches. The shacks were used to be allotted by the State Government

on the considerations relevant or irrelevant in the absence of any definite policy. When Mr. Cruz Cardozo was aggrieved by the act of the State in not granting him licence for putting up a shack at Cavelossim beach, he filed the Writ Petition before this Court. In response to the said Writ Petition, the State Government filed the affidavit through the Director of Tourism and in para 6 of the affidavit it was averred that permissions for allotment of shacks for the season 1996/97 were granted in consultation with elected representatives of the area as they were in best position to determine most deserving cases amongst them. This system of allotment of shacks by the Government obviously could not be approved being based on extraneous considerations and, therefore, this Court disapproved the method of sanctioning the shacks in consultation with the elected representatives of the area. The State Government, therefore, prepared the Guidelines and forwarded the same in the Writ Petition which was taken on record and this Court was assured that in future the shacks would be allotted in according with the Guidelines submitted before the Court. At this stage it would be relevant to reproduce the Guidelines which were approved by the Government for installation of shacks (temporary seasonal stalls) and placed before this Court in the earlier Writ Petition No.492/96 which read thus :-

"

Guidelines approved by Government for Installation of Temporary Seasonal Stalls.

(1) The number and location of shacks on any particular beach will be decided by Government taking into consideration the length and width of the beach, the number of beach visitors and the need for such facility;

(2) No shacks would be permitted in front of any hotel property;

(3) Every shack will come up as far as possible away from the water towards the sand dunes, so that free movement of beach visitors is not obstructed in any way;

(4) Preference will begiven to local residents of the area;

(5) Before issuing permission, police certificate in respect of the criminal record of the applicant will be produced by the applicant;

(6) Permission would be granted to put only one shack, to a family where no member is employed or engaged, directly or indirectly, in any business, vacation or profession including tourism industry such as tourist taxis, bars, restaurants, etc. or any other type of business like toddy tapping, fishing activity in any form, sale of handicrafts, souvenirs, etc. or any form of business not so defined.

(7) In case the number of applications which could be considered within the above guidelines be more than the number of shacks to be permitted on any particular beach, then the selection of applicants will be decided by Government by lots. "

Free Movement / Accen

8. We may also refer here the modified guidelines placed on record by the State Government along with the Misc. Civil Application No.572/97 marked as Annexure I which reads thus :-

" Modified Guidelines and Terms & Conditions for Installation/Running of Temporary Stalls at the Beaches

(1) Persons who were granted permission for setting up temporary stalls (shacks) at the beaches during the toursit season 1996-97, will be granted permission for current tourist season 1997-98, provided they are interested in setting up the stalls.

(2) Applications will be invited for grant of permissions for additional temporary stalls (shacks) at the beaches as are determined taking into account the requirement of such additional stalls. If the number of applicants are more than the number of stalls, the allotment will be made by drawal of lots. Further, the shack will be permitted to only one member in a family. For this purpose, the term 'family' will include husband/wife, dependent parents and unmarried children provided they figure in the same Ration Card.

(3) The permission granted will be valid for the tourist season ending June 15, 1998.

(4) The stall will be put at the site indicated in the permission.

(5) No stall will be permitted in front of a permanent beach resort or in the areas reserved for fishing/water sports activities.

(6) The stall will be set up away from the HTL (High Tide Line) and towards the sand dunes, so that free movement of beach visitors is

not obstructed in any way.

(7) The stall structure will be constructed out of thatched roof erected on bamboos or other temporary material as per the design and size approved by the Department of Tourism and no permanent construction willbe allowed under any circumstances for the stall.

(8) The size of stall structure and fees payable for running the stall will be as under :-

Size	Fee
14 mts. x 7 mts. (big size) ..	Rs.12,000/-
10 mts. x 7 mts. (medium size)	Rs. 8,000/-
7 mts.x7 mts. (small size) ..	Rs. 6,000/-

(9) The stall structure will be removed within three days of the expiry of the permission including dis-connection and removal of the electrical line. Storage of furniture or equipment used in the stall at or near the site will not be permitted once the tourist season is over.

(10) The stall will be used only for the activity of selling ready-made eatables and cold drinks and not for any purpose. In no case, cooking of food will be permitted. However, warming of eatables will be allowed.

(11) Sale of beer only will be permitted subject to licence from the Excise Department. Sale of IMFL & Country Liquor will not be permitted.

(12) The stall allotted will not be sublet.

(13) The applicant should not be involved in illegal activities including trafficking in drugs, immoral activities, etc.

(14) The applicant should not have any criminal record. If upon verification, the antecedents of the applicant are found to be bad, the permission granted for setting up the stall will

be cancelled and the stall will be demolished at the risk and cost of the applicant.

(15) The applicant will maintain dust bin for collection of solid waste and liquid effluents generated in the stall. In no case, the applicant will discharge waste water or garbage in and around the stall or on the beach.

(16) The applicant will not play live/recorded music or band in the stall so as to disturb or cause nuisance to the beach visitors or residents of the locality or fishermen community. In no case, music/band will be permitted beyond 11.00 p.m.

(17) The applicant will restrict his activity of running the stall to within the temporary structure. In no case, the applicant will be permitted to put up beach umbrellas or deck chairs/beds either in front or around the stall.

(18) The applicant shall provide fire extinguishers in the stall. The Department of Tourism will not be responsible for any damage or injury or loss caused to the temporary structure or the occupants within.

(19) Breach of any terms or conditions of the guidelines will lead to cancellation of permission for setting up of the stall and subsequent demolition of the stall at the cost and risk of the applicant.

(20) The right to accept or reject any application without assigning any reason thereof is reserved."

9. The principal challenge to the modified guidelines by the learned senior counsel for the petitioner is relating to clause (1) whereby persons who were granted permission for setting up temporary stalls at the beaches during the tourist season 1996/97 would be

entitled to permission for the current season 1997/98 provided they are interested in setting up the stalls.

10. Mr. D'Souza, the learned counsel for All Goa Shack Owners Association, as we have observed above, though sought to justify clause (1) of the said modified guidelines, but submitted that according to his clients, certain clauses in the said modified guidelines were bad in law being prejudicial to the interest of traditional shack owners.

11. We may at the outset observe that in exercise of the extraordinary jurisdiction under Article 226, this Court cannot consider the legality and constitutionality of the Guidelines (the Government policy) in piecemeal nor can we dissect that part of of the Government policy is valid and part of the policy is invalid. The Government policy (particularly titled 'Modified Guidelines') is either sustainable as whole or has to go in entirety being unreasonable, arbitrary or based on extraneous or collateral reasons.

12. We are not oblivious to the legal position that this Court is slow and loath to interfere with the Government policy relating to grant of licences unless such policy suffers from

arbitrariness or is irrational or based on collateral purposes or extraneous reasons or such like reasons. All executive actions must be in conformity with fair play and such actions must be in keeping with the policy of public good, welfare and in public interest. It cannot be camouflaged for abuse or misuse of power. In the garb of the policy or the guidelines, the executive cannot misuse such power by extending favour to chosen few on irrelevant, extraneous and otherwise impermissible considerations excluding others. Recently in Secretary, Jaipur Development Authority, Jaipur v. Daulat Mal Jain and others (1997) 1 S.C.C, 35, the Apex Court observed thus :-

> "13. All purposes or actions for which moral responsibility can be attached are actions performed by individual persons composing the department. All government actions, therefore, means actions performed by individual persons to further the objectives set down in the Constitution, the laws and the administrative policies to develop democratic traditions, social and economic democracy set down in the Preamble, Part III and Part IV of the Constitution. The intention behind the government actions and purposes is to further the public welfare and the national interest. Public good is synonymous with protection of the interests of the citizens as a territorial unit or nation as a whole. It also aims to further the public policies. The limitations of the policies are kept along with the public interest to prevent the exploitation or misuse

or abuse of the office or the executive actions for personal gain or for illegal gratification.

14. The so-called public policy cannot be a a camouflage for abuse of the power and trust entrusted with a public authority or public servant for the performance of public duties. Misuse implies doing of something improper. The essence of impropriety is replacement of a public motive for a private one. When satisfaction sought in the performance of duties is for mutual personal gain, the misue is usally termed as corruption. The holder of a public office is said to have misused his position when in pursuit of a private satisfaction, as distinguished from public interest, he has done something which he ought not to have done. The most elementary qualification demanded of a Minister is honesty and incorruptibility. He should not only possess these qualficiations but should also appear to possess the same.

17. The Court, therefore, would be required to consider whether the policy sought to be relied on and directed by the Minister was to further public good or was a means to fritter away the public property for personal gain or to misuse public power.....

23. There is no iota of evidence placed on record that under the so-called policy, anyone from general public could equally apply for the allotment of the plots or was eligible to apply for such allotment nor any such general policy was brought to our notice. The allotment has benefitted only a specified class, namely, the awardees, sub-awardees or nominees and none else..... "

13. We have, therefore, to see whether the modified guidelines placed on record by the Government is in the public interest and is not vitiated by any colla-

teral or extraneous reason or that it does not suffer from any constitutional vice.

14. Clause (1) of the modified policy seeks to secure the allotment of shacks at the beaches during the tourist season 1997/98 who were granted permission during the tourist season 1996/97. The only perceptible reason appears to be to perpetuate political favouritism because it is admitted case of the State Government that for allotment of shacks during the year 1996-97, the licences were granted in consultation with the elected representatives. This Court disapproved and depracated practice of grant of licences for installation of shacks on beaches in consultation with elected representatives. The State Government found itself on slippery burf on that count and accordingly submitted guidelines in this Court to be implemented for allotment of shacks on beaches in future. By clause (1) of modified guidelines in supersession of the guidelines which were submitted before this Court by the State Government, it seeks to circumvent the judgment of this Court passed on 3.2.1997 wherein this Court disapproved the practice of allotment of shacks in consultation with the elected representatives. How could clause (1) of modified guidelines be sustained when it seeks to restore the allotment of shacks to the licensees of the year 1996/97 when that process of selection was not found in order by this Court. In other words, this Court expressed its serious doubts and rather disapproved the method of allotting shacks in consultation with the elected representatives which was done in the year 1996/97 and by this clause (1) of modified Guidelines (Annexure I in Misc. Civil Application No.572/97), that illegality is sought to be perpetuated by grant-

ing them licence for the tourist season 1997/98. Moreover, it would be seen that in the earlier order passed by this Court on 3.2.1997, it was observed that number and location of the shacks of any particular beach would be decided by taking into consideration the length and width of the beach, the number of beach visitors and the need for such facility. According to the Director of Tourism the survey was conducted, exercise was undertaken and 202 shacks were identified to be permitted on various beaches excluding those beaches which were decided to be shack free beaches. If clause (1) of the modified guidelines is allowed to stand the licences shall be given for 324 shacks, whereas, after survey, the Tourism Department has identified only 202 shacks to be allotted in the year 1997/98; moreover licences shall also have to be given for shacks on shacks free beaches. Looked from another angle about the licencences of the shacks in the year 1996/97 it is not known how many members of one family got the licences. Take a situation where a family of ten members was able to get five licences for shacks in the year 1996/97 and if clause (1) of modified guidelines is allowed to be implemented, the same family shall be entitled to get five licences for setting up stalls and shacks. Obviously, this cannot, by any stretch of imagination, be said to be in public interest.

15. Since in the year 1996-97 there was no definite and defined Government policy for allotment of shacks on beaches, no details have been furnished by the State Government that in the allotment made in the year 1996-97 in how many cases more than one member of the family was able to get the licence for installing shacks. Considered from another perspective, it would be seen that grant of licences for the year 1997-98 to all the licensees who were allotted shacks in the year 1996-97, no reasonable nexus can be discerned and rather it would create monopoly in the hands of a chosen few who were able to get licences for the year 1996-97 due to political patronage in consultation with the elected representatives. The Clause (1) of the modified Guidelines also cannot stand scrutiny because if all the licensees of 1996-97 are granted licences for the year 1997-98, it would mean that irrespective of their unwanted antecedents or breach of terms and conditions of the earlier licence , they would be entitled to get the licences for the year 1997-98. This would mean that even those licensees who committed breach and contravention of the licences or got the licences in the year 1996-97 on extraneous and political considerations would be able to procure licences for the year 1997-98 as well. Such

policy on its face cannot be said to be in public interest. 'The Government', in the welfare State, as observed in Ramana Dayaram Shetty v. The International Airport Authority of India and others (AIR 1979 SC 1628), "is the regulator and dispenser of special services and provider of a large number of benefits, including job contracts, licences, quotas, mineral rights etc.". "The Government", therefore, as observed by Mathew, J. in V. Punnen Thomas v. State of Kerala (AIR 1969 Ker. 81) approved by the Apex Court in Ramana Dayaram Shetty (supra), "is not and should not be as free as an individual in selecting the recipients for largess. Whatever its actitity, the Government is still the Government and will be subject to restraints, inherent in its position in a democratic society. A democratic Government cannot lay down arbitrary and capricious standards for the choice of persons with whom alone it will deal." How can the Government be permitted to choose the licensees of 1996-97 for granting licences for 1997-98 because they happened to obtain or, if we may say so, procure the licences for the year 1996-97 ? The Government in the welfare State wherever it is dealing with the public including entering into contracts or granting licences, cannot act arbitrarily, at its sweet will, like a private individual dealing with any person it likes. The Executive action in a welfare State has to be in

conformity with the standard or norm which is not arbitrary, irrational or irrelevant and if the Government deviates from such a standard or norm, the action of the Government cannot be protected and is liable to be struck down. All Executive actions have to be within the parameters of fair play and if challenged in the Court of law, have to be shown to be not irrational, unreasonable, arbitrary or discriminatory. We find for the reasons which we have already indicated above and in the absence of any sufficient material for restricting the grant of licences for shacks on beaches for the year 1997-98 only to those licensees who were able to procure the licences for the year 1996-97 the Government policy based on irrational and extraneous considerations.

16. Mr. D'Souza, the learned counsel appearing for the All Goa Shack Owners Association, highlighted that the business of shack owners is traditional and, therefore, they have right to get the licences for installing shacks on beaches. Mr. Pereira, learned Sr.Counsel appearing for the Petitioner in the Writ Petition, joined issue with Mr.D'Souza. He urged that he has not heard of anything like traditional shack owners in Goa. He would also urge that there is no material on record on the basis of which it could be said that business in shacks has been traditionally carried on by particular class. Traditional occupation is one which is continued generation after generation. Except bald statement made on behalf of Shack Owners Association that its

members were traditional shack owners, we do not find any material on record to support this fact. Neither in the application made by the State Government registered as Miscellaneous Civil Application No.572 of 1997 nor in the counter-Affidavit filed by the State through the Director of Tourism nor even in the application for intervention made by All Goa Shack Owners Association, any details or material have been furnished on the basis of which a class of shack owners could be identified as 'traditional shack owners'. Can a person who has unauthorisedly run a shack for 5 years or 10 years on a beach be termed as traditional shack owner ? Can a person who was allotted shack on a beach for couple of years authorisedly be termed as traditional shack owner ? It is not even the case of the State Government that all persons who were given licences of shacks in the year 1996-97 are traditional shack owners. The Government file placed for our perusal also does not reveal that licensees of shacks in the year 1996-97 were traditional shack owners. The Respondents have placed before us the Report on Study of Tourism Industry in Goa prepared by the Directorate of Tourism, Government of Goa, through Kirloskar Consultants Limited. The said Report is of December 1994 and from the entire Report

BOMBAY PANAJI BENCH

we have not been shown that there is anything like traditional shack owners in Goa though the Report deals extensively about the tourist arrivals, profile of tourists, expectations and level of satisfaction of tourists, the assessment of present infrastructure and future need in Goa, utilisation of civil amenities from tourism point of view, the contribution of tourism to the economy in Goa, return on investment in different sectors, total investment in Goa tourism industry both in private and public sector and inflationary impact on local prices. Even in the Conclusions and Recommentations of the Report we do not find anything about traditional shack owners. Be that as it may, we are not here adjudicating the question whether there is any class like traditional shack owners in the State of Goa or not, but what we are highlighting is/the that modified policy formulated by the State making a exclusive provision for giving licences for the season 1997-98 to the persons who got licences in the year 1996-97 is not supportable on reason nor it can be said to be a reasonable classification. The class created by the State in its modified policy for allotment of shacks in the year 1997-98 to the licensees of 1996-97 is not reasonable class based on relevant and rational considerations nor it has any nexus to the object sought to be achieved by the modified policy. The Clause (1) of the policy, therefore, cannot be said to be based on reasonable

classification and has no reasonable relation to the object or purpose for which the policy has been framed. Rather, the modified policy suffers from colourable exercise of power and to perpetuate favour to the licensees of 1996-97 who obtained the licences on extraneous considerations in consultation with elected representatives which was disapproved by this Court categorically in its earlier Order dated 3-2-1997. Mr. D'Souza, the learned counsel appearing for All Goa Shack Owners Association, sought to urge that the earlier Judgment passed by this Court on 3-2-1997 and the observations made in the said Judgment are only restricted to the allotment of shacks on Cavelossim beach and not to other beaches. However, Mr.Bharne, the learned Government Advocate, fairly urged before us that all applications for the year 1996-97 were considered in consultation with the elected representative and the Paragraph 6 of the Affidavit filed by the Director of Tourism in the earlier Writ Petition, namely, Writ Petition No.492 of 1996 was not with reference to Cavelossim beach alone but with reference to the allotment of shacks on all beaches. We, therefore, find that by ~~framing~~ Clause (1) in the modified policy, the Government has sought to circumvent the directions in the Judgment passed by this Court on 3-2-1997 and has sought to confer benefits to the same chosen few favourites who were

able to get licences in the year 1996-97. Such Government policy tested from the touchstone of reasonableness is found to be suffering from the vice of unreasonableness and appear to be based on collateral, extraneous and irrelevant grounds and reasons and therefore cannot be permitted to be given effect to. Even we find and, as Mr. D'Souza urged, that all Goa Shack Owners Association is also not satisfied with the various clauses of the modified Guidelines and many Clauses in the modified Guidelines according to him are unconstitutional, though Mr. D'Souza supported Clause (1) of the modified Guidelines. We are afraid, since Clause (1) of the modified Guidelines has been found to be unreasonable by us, obviously it cannot be permitted to be given effect to and we cannot permit the State Government its implementation in supersession of the Guidelines placed in earlier Writ Petition No.492/96.

RE AT BOMBAY PANAJI BENCH

17. We may now turn to the application made by the State Government for taking the modified Government policy on record and any other appropriate relief. So far as this application is concerned, we have examined the modified Guidelines and we have found Clause (1) of the modified Guidelines unreasonable and, therefore, in the light of appropriate relief prayed by the State Government, it cannot be permitted to give effect to the same. However, it

may be observed that some of the averments made in the said application provide curious reading. In the application it is stated that survey was done during the monsoon period in the months of August and September 1997 which cannot be indicator of number of tourists on beaches during peak season. Perhaps this statement has been made only to make out a ground for filing this application. The Respondents have placed before us a booklet titled "Tourists Statistics" which gives clear picture of the tourists, both foreign and domestic, who arrived in various months of the year 1996. Obviously, the anticipated figure of the tourists, both domestic as well as foreign, during season from October to June would be based on past figures and not on visual identification of the tourists on the beaches during the monsoon season. The Tourism Department cannot be assumed to be ignorant of number of tourists likely to visit during October to June while fixing number of shacks to 202 for the year 1997-98 on various beaches. Yet another statement made in para 5 of the application seems to be invented to favour licensees of 1996-97 who were favoured after consultation with elected representatives.

18. We feel it incumbent to observe that when the Civil Miscellaneous Application made by the State Government for taking on record the modified policy came up for hearing, we directed the Advocate General to seek information from the State Government whether after the onset of tourist season, i.e. 1st of October 1997, on any of the beaches any shack or shacks are existing and whether existence of such shack or shacks is authorised or not and whether for any unauthorised shack any action has been taken by the State Government or not. Shockingly to our knowledge, when the matter came before us on 10th December 1997, the State Government informed that 281 unauthorised shacks had come up on onset of the tourist season. More shockingly, till the Order was passed on 4th December 1997, the State Government neither in its application nor at any point of time showed that such large number of unauthorised shacks have mushroomed on Goa beaches. Apparently, the unauthorised shacks, so large in number, could not have been without the knowledge of the State Government and its officials. Mr. Dharne, the learned Government Advocate, fairly stated that all unauthorised shacks numbering 281, were put up by the persons who are represented by All Goa Shack Owners Asso-

ciation and claim to be its members. Mr. Bharne would submit that all these licensees of 1996-97 took law in their own hands by unauthorisedly putting stalls and shacks which they were not authorised to put in the year 1997-98, since no licences were given to them for that year. How could the erstwhile Licensees of the year 1996-97 take law in their own hands and start shacks on beaches which they were not authorised. First they committed illegality by putting up shacks on various beaches and then continued to run them till this Court sought information from the State Government and passed restraint order. Large number of unauthorised shacks on beaches of Goa for the year 1997-98 clearly shows the connection of these people with the Authorities who matter, because, admittedly, till 4th of December 1997 when the Order was passed by this Court, no action whatsoever was taken by the State Government against these unauthorised shacks owners.

19. Before we close we would like to observe that we asked Mr. D'Souza, counsel for All Goa Shack Owners Association, whether the members of the Association who made applications pursuant to the advertisement issued by the Directorate of Tourism for grant of licences for shacks on various beaches, and whose appli-

cations if found in order are desirous for consideration of their applications by the State Government or not, Mr. D'Souza, after seeking instructions from his clients, submitted that his clients are not desirous of consideration of their applications by the Tourism Department for this season under the policy submitted by the State Government in Writ Petition No.492 of 1996. Be that as it may, two and half months of season has already passed, peak season has started, major portion of the exercise for granting licences for the year 1997-98 in accordance with the Guidelines submitted by the State Government in Writ Petition No.492/96 has been completed and only final decision on eligible applicants remain to be taken, while passing the final order we shall keep these facts into consideration.

20. We, therefore, dispose of the Rule by following Order:-

(i) The modified Guidelines placed on record by the State Government as Annexure I in the Miscellaneous Civil Application No.572 of 1997 and to which reference has been made in the Writ Petition are found unreasonable and, therefore, State Government cannot be permitted to give effect to modified Guidelines;

(ii) The State Government shall be

at liberty to frame fresh Guidelines or formulate a fresh policy for allotment of shacks on Goa beaches for the year 1998-99 and subsequent years after taking into consideration all relevant facts and circumstances and the public interest;

(iii) For the current year 1997-98, the Respondents are directed to consider all applications received by it which are found to be in order pursuant to the Notice issued by it inviting applications for allotment of 202 shacks which have been identified and decided to be allotted by Tourism Department. Such applications should be considered within 3 days from today and on compliance of all formalities, licences should be granted to eligible candidates within 2 days therefrom on the terms and conditions set out by it and in accordance with the Guidelines submitted by the State Government in Writ Petition No.492 of 1996;

(iv) The Licensees who shall be granted licences for the year 1997-98 shall not be entitled to any reduction in the licence fee for the period which has already lapsed and shall have to give an undertaking to the Director of Tourism that they shall abide by all terms and conditions of the licences faithfully and breach thereof shall result in the removal forthwith. In the undertaking it should also be stated by the licensees that on expiry

of the licences, i.e. on 15th of June, 1998 and in no case later than 5 days therefrom, the licensee shall remove all his articles and belongings and shall remove the temporary structure of whatever form at his cost;

(v) The Respondents shall take steps for removal of unauthorised shacks existing on the beaches immediately and shall ensure that no unauthorised shacks function on any of the beaches. It will be the responsibility of the Director of Tourism Department and of the Superintendent of Police, North Goa, who is In-charge of Goa Tourist Police, to ensure that no unauthorised shacks function on the beaches in the State of Goa;

URE AT BOMBAY PANAJI BENCH

(vi) The Respondents are directed also to take all steps and ensure that on shacks-free beaches, no unauthorised shacks function;

(vii) The Respondents may take steps in regulating deck-beds, chairs, umbrellas, etc. on the beaches.

21. The Miscellaneous Civil Application No.572 of 1997 also stands disposed of. No costs.

34